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B I L L S,

PUBLIC:

SEVEN VOLUMES.

— (3.) —

GAS AND WATER ORDERS CONFIRMATION

TO

LAND TENURE (IRELAND).

Session

8 February — 15 August 1876.

VOL. III.

1876.

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SEVEN VOLUMES

—(2)—

GAS AND WATER RATES COMMISSION

TO

LAND TENURE (IRELAND)

Session

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SEVEN VOLUMES:—CONTENTS OF THE THIRD VOLUME.

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A
B I L L

INTITULED

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brentford Gas, North Middlesex Gas, North Ormesby Gas, Retford Gas, Risca and Pontymister Gas, Saint Anne's-on-the-Sea Gas, Tottenham and Edmon-
ton Gas, Worksop Gas, Chiltern Hills Spring Water, Flam-
borough Water, Stockport District Water, Wisbech Water,
and Clacton-on-Sea Gas and Water. A.D. 1876.

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

5 And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders
10 made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
15 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Gas and Water Orders Con-
firmation Act, 1876, No. I. Short title.

2. The several Orders set out in the schedule to this Act shall
20 be and the same are hereby confirmed ; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

A.D. 1876.

SCHEDULE OF ORDERS.

1. GAS ORDERS.

1. BRENTFORD GAS.—Order empowering the Brentford Gas Company to construct and maintain additional gasworks, and to make and supply gas in the town of Brentford, in the parish of Ealing and county of 5 Middlesex.
2. NORTH MIDDLESEX GAS.—Order empowering the North Middlesex Gas Company, Limited, to raise additional capital.
3. NORTH ORMESBY GAS.—Order empowering the North Ormesby Gas Company, Limited, to maintain and continue gasworks, to construct gasworks, 10 and to manufacture gas at North Ormesby, in the North Riding of the county of York, and to supply gas within the township of Ormesby, in the parish of Ormesby, in the said North Riding of the county of York.
4. RETFORD GAS.—Order empowering the Retford Gas and Coke Company, 15 Limited, to raise additional capital.
5. RISCA AND PONTYMISTER GAS.—Order empowering the Risca and Pontymister Gas Company to raise additional capital.
6. SAINT ANNE'S-ON-THE-SEA GAS.—Order empowering the Saint Anne's-on-the-Sea Gas Light and Coke Company, Limited, to construct and maintain 20 gasworks, and to make and supply gas at Saint Anne's-on-the-Sea, in the Parish of Lytham, in the county of Lancaster.
7. TOTTENHAM AND EDMONTON GAS.—Order empowering the Tottenham and Edmonton Gaslight and Coke Company to raise additional capital.
8. WORKSOP GAS.—Order empowering the Worksop Gas Company to raise 25 additional capital.

2. WATER ORDERS.

9. CHILTERN HILLS SPRING WATER.—Order empowering the Chiltern Hills Spring Water Company to supply water in the following parishes and places in the county of Buckingham, namely, Quarrendon, Fleet 30 Marston, Waddesdon, the hamlet of Westcott in the parish of Waddesdon, Wootton Underwood, and Upper Winchendon.
10. FLAMBOROUGH WATER.—Order empowering the Flamborough Water Company, Limited, to construct waterworks and to supply water in the Parish of Flamborough, in the East Riding of the county of York. 35

11. STOCKPORT DISTRICT WATER.—Order empowering the Stockport District Waterworks Company to raise additional capital. A.D. 1876.
12. WISBECH WATER.—Order empowering the Wisbech Waterworks Company to raise additional capital.

5

3. GAS AND WATER ORDER.

13. CLACTON-ON-SEA GAS AND WATER.—Order empowering the Clacton-on-Sea Gas and Water Company, Limited; to construct and maintain gasworks and waterworks, and to manufacture and to supply gas and to supply water in Clacton-on-Sea and district, in the county of Essex.

10

BRENTFORD GAS.

Brentford.

Order empowering the Brentford Gas Company to construct and maintain additional Gasworks, and to make and supply Gas in the town of Brentford in the parish of Ealing and county of Middlesex.

- 15 1. This Order may be cited as "The Brentford Gas Order, 1876." Short title.
2. The Brentford Gas Act, 1858, the Brentford Gas Act, 1868 (in this Order respectively referred to as "the Act of 1858" and "the Act of 1868,") and this Order, shall be construed together. Construction of Order.
- 20 3. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order; and wherever any of the provisions of this Order, or of "The Gasworks Clauses Act, 1871," are inconsistent with the provisions of the Act of 1858, or of the Act of 1868, the provisions of this Order and of "The Gasworks Clauses Act, 1871," shall be read and construed and have effect as controlling or superseding the inconsistent provisions in the Act of 1858 or the Act of 1868; and the provisions of "The Gasworks Clauses Act, 1871," and of this Order, shall apply as well to the mains, pipes, and works of the Undertakers
- 30 laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. Incorporation of Acts.
- 35 4. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. Interpretation.
5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the same as the limits of the Act of 1868, as defined by section five of that Act. Limits of Order.

A.D. 1876.

Brentford.

Undertakers.

6. The Brentford Gas Company shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Power to apply capital to purposes of Order.

7. The Undertakers may apply to the purposes of this Order any of the moneys which they now have in their hands, or which they have power to raise or borrow under the authority of the Act of 1868.

Additional land.

8. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this Order any land not exceeding five acres, in addition to the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, and the lands authorised to be purchased by the thirty-seventh section of the Act of 1868.

Construction and Maintenance of Gasworks, Manufacture and Sale of Gas.

Undertakers may erect and maintain gasworks on lands described in schedule, and may make and sell gas, &c.

9. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, may erect and maintain, and from time to time alter and enlarge, retorts, purifiers, meters, apparatus, and works for the manufacture of gas; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply.

Differences with railway and other companies.

10. If any difference arise between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power, under the authority of this Order, to cross for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging pipes, or as to the facilities to be afforded for the same, the difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Miscellaneous.

No penalty in case of unavoidable cause.

11. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

12. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Saving of existing contracts.

13. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

14. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers.

A.D. 1876.

Brentford.
Costs of Order.

SCHEDULE.

5

GAS LANDS.

Land belonging to and in the occupation of the Undertakers, and immediately adjoining their existing works in High Street, Old Brentford, being bounded on the south by the River Thames, on the east by houses belonging to the Brentford Gas Company and occupied by Mary Snelling, on the north by High Street, Old Brentford, and on the west by the present Gasworks, all in the parish of Ealing, in the county of Middlesex.

NORTH MIDDLESEX GAS.

*North
Middlesex.*

*Order empowering the North Middlesex Gas Company, Limited,
to raise Additional Capital.*

- 15 1. This Order may be cited as "The North Middlesex Gas Order, 1876." Short title.
2. The North Middlesex Gas Company's Order, 1871, (in this Order referred to as "the Order of 1871,") and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
- 20 3. The North Middlesex Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.
4. In addition to the share capital authorised by the Order of 1871, the Undertakers may from time to time raise additional share capital not exceeding Additional share capital.
- 25 in the whole thirty thousand pounds.
5. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any one time exceed in the whole eleven thousand two hundred and fifty pounds. Limit of moneys borrowed on mortgage.
- 30 6. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital, or of any part thereof, as shall be issued as preference capital. Limits of dividend on additional capital.
- 35 7. All moneys raised under this Order shall be applied, in the first instance, in paying off any moneys due by the Undertakers at the time of the passing of the Act confirming this Order and secured by any mortgage made by them, and then to the purposes of the undertaking authorised by the Order of 1871. Application of money.

A.D. 1876. 8. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

*North
Middlesex.*
Costs of order.

NORTH ORMESBY GAS.

*Order empowering the North Ormesby Gas Company (Limited) 5
to maintain and continue Gasworks, to construct Gasworks,
and to manufacture Gas, at North Ormesby, in the North
Riding of the County of York, and to supply Gas within the
township of Ormesby, in the parish of Ormesby, in the said
North Riding of the county of York. 10*

Short title.

1. This Order may be cited as "The North Ormesby Gas Order, 1876."

Incorporation
of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated 15
with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or 20
works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same 25
respective meanings.

Limits of
Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall consist of an area within the township of Ormesby, in the parish of Ormesby, in the north riding of the county of York, bounded on the north by so much of the municipal borough of Middlesbrough as is contained between Spencer Beck and Ormesby West Beck; on the south by a fence commencing at a point three hundred and eighty yards or thereabouts measured along the Ormesby West Beck, in a south-easterly direction from a footbridge (carrying the footpath leading from Berwick Field Farmhouse over the Ormesby West Beck to the Marton Road 35
near Marton Low House), and proceeding in a north-easterly direction five hundred and one yards or thereabouts to a plantation; thence proceeding in a northerly direction forty-eight yards or thereabouts to the north-west corner of the said plantation; thence proceeding in a north-easterly direction, and in a straight or nearly straight line, to a point on Spencer Beck, eight hundred and twenty-nine 40
yards or thereabouts, measured along the said Spencer Beck, in a south and south-easterly direction from a footbridge over Spencer Beck (carrying a footpath leading from Thorntree House to Normanby High Farm), and bounded on the east by Spencer Beck aforesaid, and on the west by Ormesby West Beck aforesaid.

Undertakers.

A.D. 1876.

*North
Ormesby.*
Undertakers.

5. The North Ormesby Gas Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

- 5 6. The share capital of the Undertakers shall consist of the original share capital, amounting to five thousand pounds, already raised by the Undertakers, and of additional share capital not exceeding five thousand pounds; and the original and additional share capital of the Undertakers shall not for such purposes exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

7. The Undertakers shall not in any year make out of their profits any larger dividend on the said additional share capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as may be issued as preference capital.

8. The Undertakers may by agreement purchase or take on lease and use such of the lands shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map"), and described in Part II. of the schedule to this Order annexed, as may be required for the undertaking authorised by this Order.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

9. The Undertakers, on the lands shown on the deposited map, and described in Part I. of the Schedule to this Order annexed, may maintain and continue their existing gasworks, and on the lands shown on the deposited map and described in Part II. of the Schedule to this Order annexed, may make, construct, maintain, and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom; and may sell and dispose of the same at the works and elsewhere.

10. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party: Provided always, that this clause shall not apply to any line or lines at present belonging to the North-eastern Railway Company.

A.D. 1876.

Quality of Gas.

*North
Ormesby.*
Quality of gas.

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

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Price of Gas.

Price of gas.

12. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed five shillings and sixpence per one thousand cubic feet.

Pressure of Gas.

Pressure of gas.

13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

10

15

Testing of Gas.

Test meter.

14. The Undertakers shall, within six months after passing the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Suggs "London" Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

20

25

Miscellaneous.

No penalty in
case of un-
avoidable
cause.

15. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

30

Undertakers to
pay interest on
deposit.

16. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

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s Vict. c. 16.
s. 140. incor-
porated.

17. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that for the purpose of such

incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers. A.D. 1876.

18. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. North Ormesby.
Saving of existing contracts.

19. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

10

SCHEDULE.

GAS LANDS.

PART I.—LAND FORMING SITE OF EXISTING WORKS.

15 All that piece or parcel of land situate at North Ormesby, in the north riding of the county of York, measuring from east to west one hundred and sixty feet, and from north to south one hundred and thirty feet, and containing in the whole two thousand three hundred and eleven square yards, or thereabouts; bounded on the east, west, and north by property belonging to James Stovin Pennyman, and on the south by the land described in Part II. of this schedule.

20

PART II.—LAND FORMING SITE OF NEW WORKS.

All that piece or parcel of land situate on the south side of and adjoining the existing works, measuring from east to west one hundred and sixty feet, and from north to south eighty-four feet, and containing in the whole one thousand four hundred and ninety-three square yards or thereabouts; bounded on the east west, and south by property belonging to James Stovin Pennyman, Esquire, and on the north by the existing works of the Undertakers.

RETFORD GAS.

Retford.

*Order empowering the Retford Gas and Coke Company, Limited,
to raise Additional Capital.*

30 1. This Order may be cited as "The Retford Gas Order, 1876."

Short title.

2. The Retford Gas Order, 1874, (in this Order referred to as "the Order of 1874,") and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

[158.]

B

A.D. 1876.

Retford.
Undertakers.

3. The Retford Gas and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional
share capital.

4. In addition to the share capital authorised by the Order of 1874, the Undertakers may from time to time raise additional share capital not exceeding 5 in the whole twelve thousand pounds.

Limit of
moneys bor-
rowed on
mortgage.

5. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any one time exceed in the whole six thousand pounds.

Limits of
dividend on
additional
capital.

6. The Undertakers shall not in any year make out of their profits any 10 larger dividend on the additional share capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital. 15

Application of
money.

7. All monies raised under this Order shall be applied to the purposes of the undertaking authorised by the Order of 1874.

Costs of Order.

8. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 20

*Risca and
Pontymister.*

RISCA AND PONTYMISTER GAS.

*Order empowering the Risca and Pontymister Gas Company to
raise Additional Capital.*

Short title.

1. This Order may be cited as "The Risca and Pontymister Gas Order, 1876." 25

Construction
of Order.

2. "The Risca and Pontymister Gas Act, 1867," (in this Order referred to as "the Act of 1867,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Incorporation
of Acts.

3. So far as the same relate to the powers conferred by this Order, the 30 provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing payment of calls; 35

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the company against the shareholders;

The consolidation of shares into stock;

The general meetings of the company, and the exercise of the right of voting by the shareholders; A.D. 1876.

The making of dividends; *Risca and*

The borrowing of money by the company on mortgage or bond; *Pontymister.*

5 The giving of notices, and the provisions for affording access to the special Act;

and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," and "The Gasworks Clauses Act, 1871," are, except where expressly varied by this Order, incorporated with and form part of this Order.

10 For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

4. The Risca and Pontymister Gas Company, incorporated by the Act of Undertakers, 15 1867, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time— Additional capital.

20 1. Raise any further sums, not exceeding in the whole four thousand pounds, by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and

25 2. Borrow on mortgage, in respect of the additional capital of four thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole one thousand pounds; and the Undertakers may, as each sum of two thousand pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage, in 30 respect of each such sum of two thousand pounds, any sum or sums not exceeding in the whole five hundred pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that 35 the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and 40 that such capital was issued *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the 45 Undertakers, and of such other evidence as he shall think sufficient, he

A.D. 1876.

shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Risca and Pontymister.

Shares not to be issued until one fifth part thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof. 5

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. 10

Votes of proprietors.

8. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers. 15

Priority of existing mortgages.

9. Every mortgage granted by the Undertakers under the authority of the Act of 1867 shall have priority over all mortgages and debenture stock granted and issued under this Order. 20

Power to create debenture stock.

10. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Limits of dividend on additional capital.

11. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as shall be issued as preference capital. 25 30

Amount to authorise receiver.

12. The amount owing to the mortgagees under this Order by whom any application for a receiver is made shall not be less in the whole than one tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Application of money.

13. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1867. 35

Costs of Order.

14. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SAINT ANNE'S-ON-THE-SEA GAS.

A.D. 1876.

*Saint Anne's
on-the-Sea.*

*Order empowering the Saint Anne's-on-the-Sea Gas Light and
Coke Company, Limited, to construct and maintain Gasworks,
and to make and supply Gas at Saint Anne's-on-the-Sea, in the
Parish of Lytham, in the County of Lancaster.*

1. This Order may be cited as "The Saint Anne's-on-the-Sea Gas Order, 1876." Short title.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order. Incorporation
of Acts.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. Interpretation.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be so much of the parish of Lytham, in the county of Lancaster, as is not comprised within the limits of the Lytham Improvement Act, 1847, and the whole of the township of Marton, in the same county. Limits of
Order.

Undertakers.

5. The Saint Anne's-on-the-Sea Gas Light and Coke Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." Undertakers.

Capital.

6. The share capital of the Undertakers, for the purposes of their gas undertaking, shall not exceed fifteen thousand pounds, unless they be hereafter authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. Capital.

Acquisition of Lands, &c.

7. The Undertakers may by agreement purchase or take on lease, and use such of the lands shown on the map deposited for the purpose of this Order, in this Order referred to as "the deposited map," and described in the schedule to this Order annexed, as may be required for the undertaking authorised by this Order. Power to pur-
chase land.

8. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this Order any land not exceeding five acres, in addition to the lands shown on the deposited map, and described in the schedule to this Order annexed. Additional
land.

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B 3

A.D. 1876. *Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

*Saint Anne's
on-the-Sea.*

Undertakers
may erect and
maintain gas-
works on lands
described in
schedule, and
may make and
sell gas, &c.

9. The Undertakers on any of the lands shown on the deposited map, and described in the schedule to this Order annexed, when the same have been purchased by or leased to them, may erect and maintain, and from 5 time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matters producible therefrom; and they may, subject to the provisions of this Order, make gas and supply and sell the same within the limits of 10 supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Differences
with railway
and other
companies.

10. If any difference arise between the Undertakers and any railway, canal, 15 or other company whose land or works the Undertakers have power, under the authority of this Order, to cross for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging pipes, or as to the facilities to be afforded for the same, the difference shall be settled by an engineer to be appointed by the Board of 20 Trade at the request of either party.

Quality of Gas.

Quality of gas.

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance 25 with the provisions of "The Gasworks Clauses Act, 1871."

Price of Gas.

Price of gas.

12. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings and sixpence per one thousand cubic feet. 30

Pressure of Gas.

Pressure of
gas.

13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height, 35 at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing Gas.

Testing of gas.

14. The Undertakers, before supplying gas under the authority of this Order, shall cause to be provided at their works a testing place with apparatus 40 therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a "Sugg's London Argand No. 1," with a 6-inch by 1½-inch glass chimney, and if at any time the gas flame tails over the top of the glass a 6-inch by 2-inch chimney shall

be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose
 5 may open any street, road, passage, or place vested in or under the control of any local or road authority.

A.D. 1876.
*Saint Anne's
 on-the-Sea.*

Miscellaneous.

15. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas
 10 supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

No penalty in case of unavoidable cause.

16. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase
 15 or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Undertakers to pay interest on deposit.

17. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order; provided that
 20 for the purposes of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers.

Incorporation of section 140 of "the Companies Clauses Consolidation Act, 1845."

18. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, or otherwise in relation
 25 thereto, shall be paid by the Undertakers.

Costs of Order.

SCHEDULE.

GAS LANDS.

Certain lands at St. Anne's-on-the-Sea, in the parish of Lytham, bounded on the westerly side thereof by the Lancashire and Yorkshire Railway, and on all
 30 other sides thereof by land belonging to John Talbot Clifton, Esquire, and Thomas Henry Clifton, Esquire, M.P., and being distant 900 yards from and to the north of St. Anne's Road, and containing in area 14,522 square yards or thereabouts, and in lineal measure of circumference the following dimensions, viz., on the north and south sides respectively 308 feet 3 inches, and on the
 35 east and west sides respectively 424 feet.

A.D. 1876.

TOTTENHAM AND EDMONTON GAS.

*Tottenham
and
Edmonton.**Order empowering the Tottenham and Edmonton Gaslight and
Coke Company to raise Additional Capital.*

- Short title. 1. This Order may be cited as "The Tottenham and Edmonton Gas Order, 1876." 5
- Construction of Order. 2. The Tottenham and Edmonton Gas Act, 1859 (in this Order referred to as "the Act of 1859"), and this Order, shall be construed together: Provided always, that the Gasworks Clauses Act, 1871, shall be deemed to be incorporated with the Act of 1859, and wherever any of the provisions of the Gasworks Clauses Act, 1871, or of this Order, are inconsistent with the provisions of the Act of 1859, the provisions of the Gasworks Clauses Act, 1871, and of this Order, shall be read and construed and have effect as controlling or superseding the inconsistent provisions in the Act of 1859. 10
- Incorporation of Acts. 3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,) 15
- The distribution of the capital hereby authorised into shares;
 - The transfer or transmission of shares;
 - The payment of subscriptions and the means of enforcing payment of calls;
 - The forfeiture of shares for nonpayment of calls; 20
 - The remedies of the creditors of the Company against the shareholders;
 - The consolidation of shares into stock;
 - The general meetings of the Company, and the exercise of the right of voting by the shareholders;
 - The making of dividends; 25
 - The borrowing of money by the Company on mortgage or bond;
 - The giving of notices, and the provisions for affording access to the special Act;
- and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," are, except where expressly varied by this Order, incorporated with and form part of this Order. 30
- For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order. 35
- Undertakers. 4. The Tottenham and Edmonton Gaslight and Coke Company, incorporated by the Act of 1859, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."
- Additional Capital.*
- Additional capital. 5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time— 40
1. Raise any further sums not exceeding in the whole sixty thousand pounds by the issue of new ordinary or preference shares, but not less

than the full nominal amount of any such share shall be payable or paid in respect thereof; and

A.D. 1876.

*Tottenham
and
Edmonton.*

2. Borrow on mortgage, in respect of the additional capital of sixty thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole fifteen thousand pounds; and the Undertakers may, as each sum of ten thousand pounds of such additional capital has been issued and accepted and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of ten thousand pounds, any sum or sums not exceeding in the whole two thousand five hundred pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof.

Shares not to
be issued until
one fifth part
thereof paid up.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

8. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Votes of
proprietors.

9. Every mortgage granted by the Undertakers under the authority of the Act of 1859 shall have priority over all mortgages and debenture stock granted and issued under this Order.

Priority of
existing mort-
gages.

A.D. 1876.

*Tottenham
and
Edmonton.*Power to
create debenture
stock.
Limits of
dividend on
additional
capital.Dividends
to be paid
rateably.Application of
money.Quality of
gas.Pressure of
gas.Test meter
to be erected.

10. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

11. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

12. In case in any year the net revenue of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares in the capital or additional capital of the Company, a rateable deduction shall be made in the dividends of each class.

13. All moneys raised under this Order, shall be applied to the purposes of the undertaking authorised by the Act of 1859.

Quality of Gas.

14. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Pressure of Gas.

15. All gas supplied by the Undertakers to any consumer of gas, shall be supplied at such pressure as to balance from midnight to sunset, a column of water not less than six tenths of an inch in height, and from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

16. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing-place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871," and the burner to be used for testing the gas shall be a Sugg's London Argand Burner, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney; and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used, and any Gas Examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order may, from time to time, subject to the terms of his appointment, at such testing-place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied by the Undertakers, and for that purpose may open any street, road, passage or place, vested in or under the control of any local or road authority.

Miscellaneous.

A.D. 1876.

*Tottenham
and
Edmonton.*No penalty
in case of
unavoidable
cause.

Costs of Order.

17. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

- 5 18. All costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

WORKSOP GAS.

*Worksop.**Order empowering the Worksop Gas Company to raise Additional Capital.*

10

1. This Order may be cited as "The Worksop Gas Order, 1876."

Short title.

2. The Worksop Gas Act, 1856 (in this Order referred to as "the Act of 1856") and this Order, shall be construed together; provided always, that the Gasworks Clauses Act, 1871, shall be deemed to be incorporated with the Act of 1856, and whenever any of the provisions of the Gasworks Clauses Act, 1871, or of this Order, are inconsistent with the provisions of the Act of 1856, the provisions of the Gasworks Clauses Act, 1871, and of this Order, shall be read and construed and have effect as controlling or superseding the inconsistent provisions in the Act of 1856.

Construction
of Order.

- 20 3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

Incorporation
of Acts.

The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

- 25 The payment of subscriptions and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against the shareholders;

The consolidation of shares into stock;

- 30 The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

The borrowing of money by the Company on mortgage or bond;

The giving of notices, and the provisions for affording access to the special Act;

- 35 and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," are, except where expressly varied by this Order, incorporated with and form part of this Order.

A.D. 1876.

For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

Workshop.
Undertakers.

4. The Workshop Gas Company, incorporated by the Act of 1856, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

5

Additional Capital.

Additional
capital.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole five thousand pounds by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and 10
2. Borrow on mortgage, in respect of the additional capital of five thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole one thousand two hundred and fifty pounds; and the Undertakers may, as each sum of one thousand two hundred and fifty pounds of such additional capital has been issued and accepted and one half of the amount of each such sum has been paid up, borrow on mortgage in respect of each such sum of one thousand two hundred and fifty pounds, any sum or sums not exceeding in the whole three hundred and twelve pounds and ten shillings; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. 25 30 35

Shares not to
be issued until
one fifth part
thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof. 40

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. 45

8. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities as the proprietors of the original shares or stock of the Undertakers.
9. Every mortgage granted by the Undertakers under the authority of the Act of 1856, shall have priority over all mortgages and debenture stock granted and issued under this Order.
10. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.
11. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.
12. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1856.
13. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

A.D. 1876.

Workshop.
Votes of
proprietors.Priority of
existing mort-
gages.Power to
create debenture
stock.Limits of
dividend on
additional
capital.Application of
money.

Costs of Order.

CHILTERN HILLS SPRING WATER.

*Chiltern
Hills.*

- Order empowering the Chiltern Hills Spring Water Company to supply Water in the following parishes and places in the County of Buckingham, namely, Quarrendon, Fleet Marston, Waddesdon, the hamlet of Westcott in the parish of Waddesdon, Wootton Underwood, and Upper Winchendon.*

1. This Order may be cited as "The Chiltern Hills Spring Water Order, 1876."
2. The Chiltern Hills Spring Water Act, 1870, (in this Order referred to as "the Act of 1870,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.
3. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement) and "The Water-

Short title.

Construction
of Order.Incorporation
of Acts.

- A.D. 1876. works Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except such parts of the same as are expressly excepted from the Act of 1870 or as are varied by this Order.
- Chiltern Hills.*
- Interpretation. 4. The several words and expressions to which, by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned have in this Order the same respective meanings: provided always, that the expression "superior courts," or "court of competent jurisdiction," in any Act wholly or partially incorporated with this Order, shall be read and have effect as if the debt or demand with respect to which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute. 5 10
- Limits of Order. 5. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the following parishes and places in the county of Buckingham; that is to say, Quarrendon, Fleet Marston, Waddesdon, the hamlet of Westcott in the parish of Waddesdon, Wootton Underwood, and Upper Winchendon. 15
- Undertakers. 6. The Chiltern Hills Spring Water Company incorporated by the Act of 1870 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers," and shall have and may exercise, subject to the provisions of this Order, within the limits of supply all and the like powers, privileges, and authorities for the supply of water, and be subject to all and the like duties, liabilities, and obligations in respect thereof as they now have and are subject to within the limits of "The Chiltern Hills Spring Water Act, 1870." 20
- Amendment of 10 & 11 Vict. c. 17. s. 44. 7. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner. 25 30
- Saving of existing contracts, &c. 8. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the supply of water by the Undertakers.
- Costs of Order. 9. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 35

A.D. 1876.

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FLAMBOROUGH WATER.

Order empowering the Flamborough Water Company, Limited, to construct Waterworks and to supply Water in the parish of Flamborough, in the East Riding of the county of York.

- 5 1. This Order may be cited as "The Flamborough Water Order, 1876." Short title.
2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the undertaking), and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, Incorporation
of Acts.
- 10 except where the same are expressly varied by this Order.
3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings: Interpretation.
- 15 Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:
- 20 The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order.
4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the Limits of
Order.
- 25 parish of Flamborough, in the east riding of the county of York.

Undertakers.

5. The Flamborough Water Company, Limited, shall be the Undertakers Undertakers. for the purposes of this Order, and are in this Order referred to as "the Undertakers."
- 30 6. The share capital of the Undertakers shall not exceed four thousand Capital. pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.
- 35 7. The Undertakers may, by agreement, purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the undertaking authorised by this Order. Undertakers
may purchase
lands by agree-
ment.
8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of Undertakers
may acquire
easements, &c.,
by agreement.

A.D. 1876. water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

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borough.

Undertakers to
hold limited
quantity of
land only.

9. The Undertakers shall not hold more than three acres of land.

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Construction of Waterworks.

Power to con-
struct water-
works and
supply water.

10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order referred to as the "deposited plans and sections"), the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

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The works authorised by this Order are as follows:

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- (a.) A well or shaft and boring, and a tank and pumping station with engines, and other works, to be wholly situated in a field in the said parish of Flamborough, belonging to Vickerman Mainprize, at or near the westerly side of such field, and about seventy yards north of the highway leading from Marton to Flamborough, and which field is bounded on the east by lands of Mr. A. Hall, on the west by lands of Mrs. Frances Cotterell Dormer, on the north by other lands of the said Vickerman Mainprize, and on the south by the said highway:
- (b.) A service and storage reservoir, about forty yards long and thirty yards wide, and a water tower and tank, all in the above-mentioned field, and at or near the north-west corner thereof, and about one hundred and fifty yards north of the said highway:
- (c.) A conduit or line of pipes wholly situate in the said field, commencing from and out of the said proposed well or pumping station, passing thence in a northerly direction to, and terminating on the south side of, the proposed reservoir:
- (d.) A conduit or line of pipes wholly situate in the said parish of Flamborough, commencing at the said intended reservoir (south side), passing thence in a southerly direction under or along the said field to the said highway, and thence in an easterly direction under or along such highway, to and terminating at or near the north side of such highway, near the point where Water Lane joins such highway.

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Limits of
deviation.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

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Period for
completion
of works.

12. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of "The Gas and Water Works Facilities Act, 1870": Provided

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always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

A.D. 1876.

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- 10 13. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purpose of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipes crossing the works of a railway or other company.

Quality of Water.

- 15 14. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit; and the same shall be effectually filtered, if at any time the Board of Trade shall, on the representation of the local board, or any twenty consumers of water supplied by the Undertakers, that such filtration is necessary, so order.

Quality of water.

Supply.

- 20 15. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service tanks or works authorised by this Order.

Limits of pressure.

- 25 16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified; (that is to say,)

Rates for supply for domestic purposes.

- 30 Where the annual rackrent or value of the premises so supplied with water does not exceed five pounds per annum, at a rate not exceeding twopence per week:

Where such rent or value is above five pounds, and does not exceed twenty pounds per annum, at a rate per centum per annum not exceeding seven pounds:

- 35 Where such rent or value is above twenty pounds, at a rate per centum per annum not exceeding six pounds.

- 40 17. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding five shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as, the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

Rates for waterclosets and baths.

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Power for
Undertakers
to make regu-
lations for pre-
venting waste
of water.

Power for
Undertakers
to refuse supply
where regula-
tions not com-
plied with.

Water supplied
by agreement.

Supply of
water by meter.

Undertakers
to keep meters
in repair.

Register of
meters to be
evidence.

Amendment of
10 & 11 Vict.
c. 17. s. 44.

18. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

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19. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices.

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20. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but, notwithstanding any such agreement, no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing.

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21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

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22. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

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23. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

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24. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid

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by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

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25. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such building, house, and premises.

When several houses supplied by one pipe, each to pay.

26. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Order for a supply of water.

Supply of water to tenements in a row.

Penalties.

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Impurity of water.

28. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Injuring meters.

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Misuser where
supply to
several houses
is by a pipe
common to all.

29. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

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Miscellaneous.

Incoming
tenant not
liable to pay
arrears.

30. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

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Several names
in one sum-
mons.

31. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums.

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Warrant of
distress to
include costs.

32. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

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Liability to
water rate
not to dis-
qualify jus-
tices from
acting.

33. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Incorporation
of section 140
of "The Com-
panies Clauses
Act, 1845."

34. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, for the purposes of such incorporation, the expression "the Company" in the said section shall mean the Undertakers.

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Costs of Order.

35. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

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*Stockport
District.*

STOCKPORT DISTRICT WATER.

*Order empowering the Stockport District Waterworks Company to
raise Additional Capital.*

Short title.

1. This Order may be cited as "The Stockport District Water Order, 1876."

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Construction
of Order.

2. "The Stockport District Waterworks Act, 1861," (in this Order referred to as "the Act of 1861,") "The Stockport District Waterworks Act, 1863," and "The Stockport District Waterworks Act, 1864," (which Acts are in this Order referred to as "the principal Acts,") and this Order, shall be construed

together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

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*Stockport
District.*

Incorporation
of Acts.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following; (that is to say,)

- The distribution of the capital hereby authorised into shares;
- The transfer or transmission of shares;
- The payment of subscriptions and the means of enforcing payment of calls;
- The forfeiture of shares for nonpayment of calls;
- 10 The remedies of the creditors of the company against the shareholders;
- The consolidation of shares into stock;
- The general meetings of the company, and the exercise of the right of voting by the shareholders;
- The making of dividends;
- 15 The borrowing of money by the company on mortgage or bond;
- The giving of notices, and the provisions for affording access to the special Act;

and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are, except where expressly varied by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

- 25 4. The Stockport District Water Company, incorporated by the Act of Undertakers, 1861, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

- 30 5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

Additional
capital.

- 1. Raise any further sum not exceeding in the whole thirty-two thousand pounds by the issue of new ordinary or preference shares or stock, or wholly or partially by one or more of those modes respectively, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and
- 35 2. Borrow on mortgage, in respect of the additional capital of thirty-two thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock, any sums not exceeding in the whole eight thousand pounds; and the Undertakers may, as each sum of eight thousand pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of eight thousand pounds, any sum or sums not exceeding in the whole two thousand pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he
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A.D. 1876.

*Stockport
District.*

so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of such capital as is to be raised by means of stock is fully paid up, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Shares not to be issued until one fifth part thereof paid up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof.

Calls.

7. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and three months at least shall be the interval between the successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of person not sui juris.

8. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Votes of proprietors.

9. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

Power to create debenture stock.

10. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Limits of dividend on additional capital.

11. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised to be raised by shares or stock than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.

12. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the principal Acts.

13. Every mortgage granted by the Undertakers under the authority of the principal Acts shall have priority over all mortgages and debenture stock
5 granted and issued under this Order.

14. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Stockport District.

Application of money.

Priority of existing mortgages.

Costs of Order.

WISBECH WATER.

Wisbech.

10 *Order empowering the Wisbech Waterworks Company to raise Additional Capital.*

1. This Order may be cited as "The Wisbech Water Order, 1876."

Short title.

2. The Wisbech Waterworks Act, 1864, (in this Order referred to as "the Act of 1864,") and this Order, shall be construed together, except so far as such
15 construction would be inconsistent with or repugnant to the provisions of this Order.

Construction of Order.

3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following, (that is to say,)

Incorporation of Acts.

20 The distribution of the capital hereby authorised into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against the shareholders;

25 The consolidation of shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

The borrowing of money by the Company on mortgage or bond;

30 The giving of notices, and the provisions for affording access to the special Act;

and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The
35 Waterworks Clauses Acts, 1847, 1863," are, except where expressly varied by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.

4. The Wisbech Waterworks Company, incorporated by the Act of 1864,
40 shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Undertakers.

A.D. 1876.

*Wisbech.*Additional
capital.*Additional Capital.*

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—

1. Raise any further sums not exceeding in the whole six thousand pounds by the issue of new ordinary or preference shares, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and 5
2. Borrow on mortgage, in respect of the additional capital of six thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole one thousand five hundred pounds; and the Undertakers may, as each sum of one thousand five hundred pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of one thousand five hundred pounds, any sum or sums not exceeding in the whole three hundred and seventy-five pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. 10 15 20 25 30

Shares not to
be issued until
one fifth part
thereof paid
up.

6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share shall have been paid up in respect thereof. 35

Calls.

7. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and three months at least shall be the interval between the successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. 40

Receipt clause
in case of per
son not sui
juris.

8. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

9. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.
10. Every mortgage granted by the Undertakers under the authority of the Act of 1864 shall have priority over all mortgages and debenture stock granted and issued under this Order.
11. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.
12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional share capital by this Order authorised to be raised than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as preference capital.
13. In case in any half-year the net revenues of the Undertakers applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.
14. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1864.
15. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

A.D. 1876.

Wisbech.

Votes of proprietors.

Priority of existing mortgages.

Power to create debenture stock.

Limits of dividend on additional capital.

Dividends on different classes of shares to be paid rateably.

Application of money.

Costs of Order.

CLACTON-ON-SEA GAS AND WATER.

- Order empowering the Clacton-on-Sea Gas and Water Company, Limited, to construct and maintain Gasworks and Waterworks, and to manufacture and supply Gas and to supply Water in Clacton-on-Sea and district, in the County of Essex.*

Clacton-on-Sea.

1. This Order may be cited as "The Clacton-on-Sea Gas and Water Order, 1876."
2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters) are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Incorporation of Acts.

[158.]

E

A.D. 1876.

Clacton-on-Sea.
Interpretation.

3. In this Order the expressions "deposited map," "deposited plans," and "deposited sections" shall mean respectively the maps, plans, and sections deposited for the purposes of this Order.

The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be Clacton-on-Sea, Clacton Green, and Great Clacton and district, in the parish of Great Clacton, in the county of Essex.

Undertakers.

Undertakers.

5. The Clacton-on-Sea Gas and Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

PART I.

GAS UNDERTAKING.

Incorporation
of Acts.

6. The provisions of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

Capital.

Capital.

7. The share capital of the Undertakers for the purposes of their gas undertaking shall not exceed five thousand pounds, unless they be hereafter authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Acquisition of Lands, &c.

Power to purchase land.

8. The Undertakers may by agreement purchase or take on lease and use such of the lands shown on the deposited map, and described in the schedule to this Order annexed, as may be required for the gas undertaking authorised by this part of this Order.

Additional land.

9. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this part of this Order, any land not exceeding three acres, in addition to the lands shown on the deposited map and described in the schedule to this Order annexed.

*Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*Undertakers
may erect and
maintain gas-

10. The Undertakers, on the lands shown on the deposited map and described in the schedule to this Order annexed, when the same have been

acquired by them, may erect and maintain, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they
 5 may, subject to the provisions of this part of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

A.D. 1876.

Clacton-on-Sea.

works on lands described in schedule, and may make and sell gas, &c.

10

Quality of Gas.

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Quality of gas.

15

Price of Gas.

12. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings and sixpence per one thousand cubic feet.

Price of gas.

Pressure of Gas.

20 13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe
 25 supplying such consumer.

Pressure of gas.

Testing Gas.

14. The Undertakers, before supplying gas under the authority of this Order, shall cause to be provided at their works a testing place with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the
 30 burner to be used for testing the gas shall be a Sugg's London argand, number one, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this part of this Order, may from time
 35 to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Testing of gas.

*Clacton-
on-Sea.*

No penalty in
case of un-
avoidable
cause.

General Provisions.

15. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. 5

Undertakers to
pay interest on
deposit.

16. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 10

PART II.

WATER UNDERTAKING.

Incorporation
of Acts.

17. The provisions of "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order. 15

Interpretation.

18. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute: 20

The term "premises" in this part of this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this part of this Order. 25

Capital.

19. The share capital of the Undertakers for the purposes of their water undertaking shall not exceed five thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Undertakers
may purchase
lands by agree-
ment.

20. The Undertakers may by agreement purchase and use such of the lands shown on the deposited plans as may be required for the water undertaking authorised by this part of this Order. 30

Limit of land.

21. The Undertakers shall not hold for the purposes of this part of this Order more than five acres of land.

Undertakers
may acquire
easements, &c.
by agreement.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid. 35 40

Construction of Waterworks.

A.D. 1876.

Clacton-on-Sea.
Power to construct water-works and supply water.

23. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the deposited plans and deposited sections, the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this part of this Order, supply and sell water within the limits of supply.

The works authorised by this part of this Order are as follows :

- 10 1. A well or tank, and shaft or boring, water tower, service tank, reservoir, and pumping station, with pumping engine, engine and boiler house, and other works, buildings, and conveniences, on a piece or parcel of land belonging to the Undertakers forming the southerly end of a field called and known as "Way Pond Field," the remainder of which field belongs to
- 15 James Harman and Thomas Young, situate in the parish of Great Clacton, in the county of Essex, and which piece or parcel of land is bounded on the north by the residue of the said field, on the south and west by land belonging to John Yellolly Watson, and occupied by John Gilders, and on the east by the public road leading from Clacton Wash and Clacton-on-Sea to Great Clacton :
- 20 2. A main pipe or aqueduct, commencing at the water tower and service tank before described, passing from thence into the said public road leading from Clacton Wash and Clacton-on-Sea, and passing in a southerly direction along or under that road, and terminating therein at a point nearly
- 25 opposite to the place where that road is joined by Rosemary Lane or Rose Mary Road in Clacton-on-Sea :
- 30 3. A main pipe or aqueduct commencing at the water tower and service tank before described, passing from thence into the said road leading from Clacton Wash and Clacton-on-Sea, and along or under that road in a northerly direction, and terminating therein at a point nearly opposite to the place where that road is joined by the public road leading to St. Osyth :
- 35 4. All needful mains, pipes, and other works for the distribution and supply of water within the before-named limits of supply.
- 5 All the aforesaid works will be in the said parish of Great Clacton.

24. In constructing the works authorised by this part of this Order the Undertakers shall not deviate laterally to any extent within private property without consent, nor in public roads beyond the boundaries or fences on either side of such roads, but the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Limits of deviation.

25. The works authorised by this part of this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of "The Gas and Water Works Facilities Act, 1870:" Provided always, that subject to the restrictions and provisions of this

Period for completion of works.

A.D. 1876. part of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Clacton-on-Sea.

Quality of Water.

5

Quality of water.

26. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Supply.

Limits of pressure.

27. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service tank or works authorised by this part of this Order, nor need the water be constantly laid on under pressure. 10

Rates for supply for domestic purposes.

28. The Undertakers shall, at the request of the owner or occupier of any dwelling-house or part of a dwelling-house, entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates per annum herein-after specified; (that is to say,) 15

Where the annual rackrent or value of the premises so supplied with water shall not exceed five pounds, the sum of eight shillings and eightpence; 20
Where such rackrent or value shall exceed five pounds and not exceed ten pounds, the sum of sixteen shillings;

Where such rackrent or value shall exceed ten pounds and not exceed fifteen pounds, the sum of twenty-four shillings;

Where such rackrent or value shall exceed fifteen pounds and not exceed twenty pounds, the sum of thirty-two shillings; 25

Where such rackrent or value shall exceed twenty pounds and not exceed twenty-five pounds, the sum of thirty-nine shillings;

Where such rackrent or value shall exceed twenty-five pounds and not exceed thirty pounds, the sum of forty-six shillings; 30

Where such rackrent or value shall exceed thirty pounds and not exceed thirty-five pounds, the sum of fifty-three shillings;

Where such rackrent or value shall exceed thirty-five pounds and not exceed forty pounds, the sum of sixty shillings;

Where such rackrent or value shall exceed forty pounds and not exceed forty-five pounds, the sum of sixty-six shillings; 35

Where such rackrent or value shall exceed forty-five pounds and not exceed fifty pounds, the sum of seventy-two shillings;

Where such rackrent or value shall exceed fifty pounds and not exceed fifty-five pounds, the sum of seventy-eight shillings; 40

Where such rackrent or value shall exceed fifty-five pounds and not exceed sixty pounds, the sum of eighty-four shillings;

Where such rackrent or value shall exceed sixty pounds and not exceed sixty-five pounds, the sum of eighty-nine shillings;

Where such rackrent or value shall exceed sixty-five pounds and not exceed seventy pounds, the sum of ninety-four shillings; 45

A.D. 1876.

Clacton-on-Sea.

- Where such rackrent or value shall exceed seventy pounds and not exceed seventy-five pounds, the sum of ninety-nine shillings ;
- Where such rackrent or value shall exceed seventy-five pounds and not exceed eighty pounds, the sum of one hundred and four shillings ;
- 5 Where such rackrent or value shall exceed eighty pounds and not exceed eighty-five pounds, the sum of one hundred and eight shillings ;
- Where such rackrent or value shall exceed eighty-five pounds and not exceed ninety pounds, the sum of one hundred and twelve shillings ;
- 10 Where such rackrent or value shall exceed ninety pounds and not exceed ninety-five pounds, the sum of one hundred and sixteen shillings ;
- Where such rackrent or value shall exceed ninety-five pounds and not exceed one hundred pounds, the sum of one hundred and twenty shillings ;
- Where such rackrent or value shall exceed one hundred pounds, at a rate per centum not exceeding five pounds ten shillings.

- 15 29. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding seven shillings and sixpence per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with and as part of or recovered by the same means as
- 20 the rate for the supply of water for domestic purposes : Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

Rates for waterclosets and baths.

- 30 30. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company ; but notwithstanding any such agreement no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this part of this Order ; and every such agreement shall be, by virtue of this part of this Order, determinable by the Undertakers on one month's notice in writing.

Water supplied by agreement.

- 35 31. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Supply of water by meter.

- 40 32. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water ; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace
- 45 any such meter or other instrument at all reasonable times.

Undertakers to keep meters in repair.

A.D. 1876.

*Clacton-
on-Sea.*Register of
meters to be
evidence.

33. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Amendment
of 10 & 11 Vict.
c. 17. s. 44.

34. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this part of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several
houses supplied
by one pipe,
each to pay.

35. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such building, house, and premises.

Supply of
water to tene-
ments in a row.

36. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this part of this Order for a supply of water.

*Penalties.*Impurity of
water.

37. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this part of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Injuring
meters.

38. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not

A.D. 1876.

Clacton-on-Sea.

exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the
5 index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for
10 abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

15 39. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

20 *Miscellaneous.*

40. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the
25 arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

Incoming tenant not liable to pay arrears.

41. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in the schedule thereto, several names and
30 several sums.

Several names in one summons.

42. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the
35 warrant of distress for the recovery of such money.

Warrant of distress to include costs.

43. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

Liability to water rate not to disqualify justices from acting.

A.D. 1876.

PART III.

Clacton-on-Sea.

MISCELLANEOUS.

As to pipes crossing the works of a railway or other company.

44. If any difference arises between the Undertakers and any railway, canal, or other company, whose land or works it may be necessary or convenient to cross for the purpose of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes or conduits, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 5

Section 140 of Companies Clauses Act, 1845, incorporated.

45. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, for the purposes of such incorporation, the expression "the Company" in the said section shall mean the Undertakers. 10

Costs of Order.

46. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 15

SCHEDULE.

GAS LANDS.

A piece or parcel of land forming the southerly end of a field called and known as "Way Pond Field" situate in the parish of Great Clacton, in the county of Essex, bounded on the north by the residue of the said field, on the south and west by land belonging to John Yellolly Watson, and occupied by John Gilders, and on the east by the public road leading from Clacton Wash and Clacton-on-Sea to Great Clacton. 20

Gas and Water Orders Confirmation. [H.L.]

A

B I L L

INTITULED

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brentford Gas, North Middlesex Gas, North Ormesby Gas, Retford Gas, Risca and Pontymister Gas, Saint Anne's-on-the-Sea Gas, Tottenham and Edmonton Gas, Worksop Gas, Chiltern Hills Spring Water, Flamborough Water, Stockport District Water, Wisbech Water, and Clacton-on-Sea Gas and Water.

(Brought from the Lords 18 May 1876.)

*Ordered, by The House of Commons, to be Printed,
18 May 1876.*

[Bill 158.]

Under 6 oz.

A

B I L L

INTITULED

An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Chapel-en-le-Frith Gas, Cromer Gas, Hythe and Sandgate Gas, Poole Gas, Neath Water, Newbury Water, Wantage Water, Connah's Quay Gas and Water, and Flint Gas and Water. A.D. 1876.

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed :

5 And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

10 And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament :

15 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Gas and Water Orders Confirmation (Chapel-en-le-Frith, &c.) Act, 1876. Short title.

20 2. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed ; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full validity and force. Confirmation of Orders in schedule.

A.D. 1876.

SCHEDULE OF ORDERS.

1. GAS ORDERS.

1. CHAPEL-EN-LE-FRITH GAS.—Order conferring powers for the maintenance and continuance of existing gasworks and for the construction of additional gasworks, and for the manufacture and supply of gas, in the parish of Chapel-en-le-Frith, in the county of Derby. 5
2. CROMER GAS.—Order empowering the Cromer Gas and Coke Company (Limited) to maintain and continue gasworks, and to manufacture and supply gas in the town and parish of Cromer, and the parishes of Overstrand, Runton, and North Repps, all in the county of Norfolk. 10
3. HYTHE AND SANDGATE GAS.—Order empowering the Hythe and Sandgate Gas Company to construct and maintain additional gasworks in the parish of Saint Leonard, Hythe, in the county of Kent.
4. POOLE GAS.—Order empowering the Town and County of Poole Gas and Coke Company to maintain and continue gasworks in the town of Poole, and supply gas within the parishes, districts, and places following; that is to say, Poole, the parish of St. James; the tything of Longfleet, in the parish of Great Canford; the tything of Parkstone, in the parish of Great Canford; and the parish of Hamworthy, all in the town and county of the town of Poole and municipal borough of Poole, in the county of Dorset. 15 20

2. WATER ORDERS.

5. NEATH WATER.—Order empowering the Neath Water Company to raise additional capital.
6. NEWBURY WATER.—Order empowering the Newbury District Water Company, Limited, to construct waterworks and to supply water in Newbury, Speenhamland, Speen, Church Speen, Wood Speen East, and other places in the county of Berks. 25
7. WANTAGE WATER.—Order authorising the construction of waterworks and the supply of water in the town of Wantage and the hamlet of Grove, in the parish of Wantage, in the county of Berks. 30

3. GAS AND WATER ORDERS.

8. CONNAH'S QUAY GAS AND WATER.—Order empowering the Connah's Quay Gas and Waterworks Company (Limited) to construct and maintain gasworks and waterworks, and to make and supply gas, and to supply water within the parishes of Northop, Hawarden, Mold, Soughton, Golftyn, Wepre, Shotton, Aston, Mancot, Broughton, Bretton, Bannel, Pentrobin, Ewloe Town, Ewloe Wood, Bistre, Argoed, and Buckley, in the county of Flint. 35
 9. FLINT GAS AND WATER.—Order empowering the Flint Gas and Water Company, Limited, to maintain and continue gasworks and waterworks, and to construct additional waterworks, and to supply gas and water in the borough of Flint. 40
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CHAPEL-EN-LE-FRITH GAS.

A.D. 1876.

Order conferring powers for the maintenance and continuance of existing Gasworks and for the construction of additional Gasworks, and for the manufacture and supply of Gas in the Parish of Chapel-en-le-Frith, in the County of Derby.

1. This Order may be cited as "The Chapel-en-le-Frith Gas Order, 1876." Short title.

2. The provisions of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

15 3. The several words and expressions to which by the Acts incorporated Interpretation,
with this Order, and by "The Gas and Water Works Facilities Act, 1870,"
meanings are assigned, have in this Order the same respective meanings.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Chapel-en-le-Frith, in the county of Derby.

Undertakers.

5. Elias Gaskell, of Birkenhead, in the county of Chester, cotton merchant, his heirs or assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

25 6. The share capital of the Undertakers shall not exceed eight thousand Capital.
pounds, unless the Undertakers shall be authorised to raise additional share
capital by Provisional Order under "The Gas and Water Works Facilities
Act, 1870," or by Act of Parliament.

30 *Maintenance and Continuance of existing Gasworks, Construction of additional Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.*

7. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge their existing gasworks and works connected therewith, and they may on the said lands make, construct, maintain, and continue, and from time to time alter and enlarge additional retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and

Undertakers may maintain and construct existing and additional gasworks on lands described in schedule, and may make and sell gas, &c.

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Chapel-en-le-Frith.

sell the same within the limits of supply, and may manufacture coal tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Differences
with railway
and other com-
panies.

8. If any difference arise between the Undertakers and any railway, canal, or 5 other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade 10 at the request of either party.

Quality of Gas.

Quality of gas.

9. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to 15 the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Price of Gas.

Price of gas.

10. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings per one thousand cubic feet.

Pressure of Gas.

20

Pressure of gas.

11. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe 25 supplying such consumer.

Testing of Gas.

Test meter.

12. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses 30 Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney; and if at any time the gas flame tails over the top of the glass, a six-inch by two-inch chimney shall be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, 35 may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

*Chapel-en-
le-Frith.*

No penalty in case of unavoidable cause.

Undertakers to
pay interest on
deposit.

8 Vict. c. 16.
s. 140. incor-
porated.

Saving of existing contracts.

Provision for
sale of gas-
works to local
authority.

[195.]

- A.D. 1876. (3.) The Undertakers shall not during such period of twelve months expend any further capital on extensions of their works or plant without the consent in writing of the existing rural sanitary authority of the parish of Chapel-en-le-Frith, or of such urban authority, when constituted : 5
- Chapel-en-le-Frith.* (4.) The purchase money shall bear interest at five per cent. per annum from the expiration of such period of twelve months :
- (5.) Until the payment of the purchase money by such urban sanitary authority, the lands and undertaking of the Undertakers shall remain vested in the Undertakers, and if the same shall not be paid within six months from the expiration of such period of twelve months, the power of such authority to purchase shall wholly cease and determine : 10
- (6.) All costs of the Undertakers of and incident to such arbitration, and the conveyance of their undertaking to such authority, shall be paid by such authority. 15
- Costs of Order. 18. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

GAS LANDS. 20

A plot of land belonging to the Undertakers, situate in the parish of Chapel-en-le-Frith, in the county of Derby, bounded on the north-easterly side by the turnpike road from Hayfield to Buxton ; on the south-easterly side by land belonging now or lately to Jonathan Colley ; on the south-westerly side thereof in part by land belonging to Samuel Kirk, and on other part by land 25 formerly belonging to George Pownall, but now or late to Thomas Howarth ; and on the north-westerly side thereof in part by land formerly belonging to the said George Pownall, but now or late to Thomas Howarth ; and on the remaining part by a road or way, three yards wide, called Burfield Road, leading from the said turnpike road into the village of Chapel-en-le-Frith. 30

CROMER GAS.

Cromer. Order empowering the Cromer Gas and Coke Company (Limited) to maintain and continue Gasworks, and to manufacture and supply Gas in the Town and Parish of Cromer, and the Parishes of Overstrand, Runton, and North Repps, all in the 35 County of Norfolk.

- Short title. 1. This Order may be cited as "The Cromer Gas Order, 1876."
- Incorporation of Acts. 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect

to the entry on lands by the Promoters), of "The Gasworks Clauses Act, 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well

A.D. 1876.

Cromer.

5 to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

10 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. Interpretation.

15 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Cromer, Overstrand, Runton, and North Repps, all in the county of Norfolk. Limits of Order.

Undertakers.

5. The Cromer Gas and Coke Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." The Undertakers.

6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of the original share capital, amounting to five thousand pounds, already raised by the Undertakers, and of additional share capital not exceeding five thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament. Capital.

30 7. The Undertakers shall not in any year make out of their profits any larger dividend on the said additional share capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital. Limits of dividend on additional capital.

8. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold for any of the purposes of this Order any land not exceeding one acre, in addition to the land shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map") and described in the schedule to this Order annexed. Power to purchase additional lands.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

9. The Undertakers, on the lands shown on the deposited map and described in the schedule to this Order annexed, may maintain and continue, and from

Undertakers may maintain and continue

A.D. 1876.

Cromer.

gasworks on
lands described
in schedule, and
may make and
sell gas, &c.

time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere. 5

Differences
with railway
and other com-
panies.

10. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 10 15

Quality of Gas.

Quality of gas.

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fifteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses, Act, 1871." 20

Price of Gas.

Price of gas.

12. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied; provided nevertheless that every fraction of one hundred feet may be charged as one hundred feet. 25

Pressure of Gas.

Pressure of
gas.

13. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer. 30

Testing of Gas.

Test meter.

14. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or 40 35

A.D. 1876.

HYTHE AND SANDGATE GAS.

*Hythe and Sandgate.**Order empowering the Hythe and Sandgate Gas Company to construct and maintain additional Gasworks in the Parish of Saint Leonard, Hythe, in the County of Kent.*

Short title.

1. This Order may be cited as "The Hythe and Sandgate Gas Order, 1876." 5

Construction of Order.

2. The Hythe and Sandgate Gas Act, 1868, (in this Order referred to as "the Act of 1868,") and this Order shall be construed together: Provided always, that "The Gasworks Clauses Act, 1871," shall be deemed to be incorporated with the Act of 1868; and wherever any of the provisions of this Order or of "The Gasworks Clauses Act, 1871," are inconsistent with the provisions of the Act of 1868, the provisions of this Order and of "The Gasworks Clauses Act, 1871," shall be read and construed and have effect as controlling or superseding the inconsistent provisions in the Act of 1868; and the provisions of "The Gasworks Clauses Act, 1871," and of this Order shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed under the Act of 1868, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. 15

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. 20

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the same as the limits of the Act of 1868, as defined by section four of that Act. 25

Undertakers.

Undertakers.

5. The Hythe and Sandgate Gas Company shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Powers to apply capital to purposes of Order.

6. The Undertakers may apply to the purposes of this Order any of the moneys which they now have in their hands, or which they have power to raise or borrow under the authority of the Act of 1868. 30

Power to acquire land.

7. The Undertakers may by agreement purchase and hold for the purposes of this Order the land shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map"), and described in the schedule to this Order annexed: Provided always, that the Undertakers shall not hold under the authority of this Order more than six acres. 35

A.D. 1876.

Construction of additional Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

Hythe and Sandgate.

Undertakers may erect and maintain gas-works on lands described in schedule, and may make and sell gas, &c.

8. The Undertakers may, subject to the provisions of this Order, on the lands shown on the deposited map and described in the schedule to this Order
5 annexed, when the same have been acquired by them, erect and maintain, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this
10 Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, sulphate of ammonia, and all other residual products obtained in the manufacture of gas, and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

15 9. The Undertakers shall not erect any works (other than gas-holders) at a greater distance than three hundred feet from the western boundary of the lands described in the schedule to this Order annexed.

Undertakers not to erect works (except gas-holders) in certain places.

10. If any difference arise between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power, under the
20 authority of this Order, to cross for the purpose of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging pipes, or as to the facilities to be afforded for the same, the difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences with railway and other companies.

25 *Quality of Gas.*

11. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Quality of gas.

30 *Pressure of Gas.*

12. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height
35 at the main as near as may be to the junction therewith of the service pipe supplying each consumer.

Pressure of gas.

Testing Gas.

13. The Undertakers, within six months after the passing of the Act confirming this Order, shall cause to be provided at their works a testing place with
40 apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London argand No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six inch by two inch

Testing of gas.

A.D. 1876. chimney shall be used; and any gas examiner appointed under "The Gas-works Clauses Act, 1871," for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Hythe and Sandgate.

Miscellaneous.

No penalty in case of unavoidable cause.

14. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. 10

Undertakers to pay interest on deposit.

15. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 15

Saving of existing contracts.

16. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made, or liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. 20

Costs of Order.

17. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers. 25

SCHEDULE.

GAS LANDS.

A piece of land situate in the parish of Saint Leonard, Hythe, in the county of Kent (upon part of which three unfinished houses are standing), lying near and between the Martello Towers numbered respectively 13 and 14, bounded on the northernmost side by an intended new road of the width of forty feet which is now set out for construction, and containing on that side seven hundred and fifty-eight feet, on the easternmost and westernmost sides by land the property of Her Majesty's Principal Secretary of State for War, and containing on each of those sides three hundred and thirty feet, and on the southernmost side by an imaginary line forty feet or thereabouts from high-water mark of ordinary tides, and containing on that side seven hundred and fifty-eight feet. 30 35

A.D. 1876.

POOLE GAS.

Order empowering the Town and County of Poole Gas and Coke Company to maintain and continue Gas Works in the Town of Poole; and supply Gas within the Parishes, Districts, and Places following; that is to say, Poole, the Parish of St. James; the Tything of Longfleet, in the Parish of Great Canford; the Tything of Parkstone, in the Parish of Great Canford; and the Parish of Hamworthy, all in the Town and County of the Town of Poole and Municipal Borough of Poole, in the County of Dorset.

1. This Order may be cited as "The Town and County of Poole Gas Order, 1876." Short title.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), of "The Gasworks Clauses Act 1847," and of "The Gasworks Clauses Act, 1871," are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Act shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. Incorporation of Acts.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings. Interpretation.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes, districts, and places following; that is to say, Poole, the parish of St. James; the tything of Longfleet, in the parish of Great Canford; the tything of Parkstone, in the parish of Great Canford; and the parish of Hamworthy, all in the town and county of the town of Poole and municipal borough of Poole, in the county of Dorset. Limits of Order.

35 *Undertakers.*

5. The Town and County of Poole Gas and Coke Company shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." The Undertakers.

6. The share capital of the Undertakers shall consist of the original share capital, amounting to nine thousand six hundred pounds, already raised by the

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A.D. 1876. Undertakers, (in this Order referred to as "A shares"), of ten thousand five hundred and twenty pounds expended on works out of profits applicable to dividends to be allotted rateably in shares amongst the holders of A shares as herein-after directed (in this Order referred to as "B'shares"), and of additional share capital not exceeding nineteen thousand eight hundred and eighty pounds (in this Order referred to as "C shares"), and the whole share capital of the Undertakers shall not exceed forty thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.

Pool.

Appropriation
of shares.

7. As soon as may be after the passing of the Act confirming this Order, the sum of ten thousand five hundred and twenty pounds expended on works as aforesaid shall be allotted rateably to the several persons and corporations who immediately before the passing of the said Act were possessed of or entitled to one or more of the A shares in proportion, as near as may be, to the number of A shares held by them respectively, and such shares shall vest in such persons and corporations accordingly.

Limits of dividend on additional capital.

8. The Undertakers shall not in any year make out of their profits in respect of every one hundred pounds of the B shares any larger dividend than four pounds, or in respect of every hundred pounds of the C shares actually paid up any larger dividend than seven pounds, if such shares be issued as ordinary shares, or than six pounds if such shares be issued as preference shares.

Power to purchase additional lands.

9. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold, for any of the purposes of this Order, in addition to such of the lands shown on the map deposited for the purposes of this Order, as are described in Part I. of the schedule to this Order annexed, the remaining lands shown on the said map and described in Part II. of the said schedule, and also any other land situate within the limits of supply not exceeding three acres.

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

Undertakers may maintain and continue gasworks on lands described in Part I. of the schedule, and may make and sell gas, &c.

10. The Undertakers on the lands shown on the map deposited for the purposes of this Order, and described in Part I. of the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Differences with railway and other companies.

11. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for

[39 VICT.] *Gas and Water Orders Confirmation* 15
(*Chapel-en-le-Frith, &c.*)

gas within the limits of supply, as to the mode of laying down, repairing, A.D. 1876.
altering, or enlarging their pipes, or the facilities to be afforded for the same,
the same shall be settled by an engineer to be appointed by the Board of Trade
at the request of either party. *Poole.*

5 *Quality of Gas.*

12. The quality of gas supplied by the Undertakers shall, with respect to Quality of gas.
its illuminating power, be such as to produce a light equal in intensity to
the light produced by fourteen sperm candles, and shall in all respects be in
accordance with the provisions of "The Gasworks Clauses Act, 1871."

10 *Price of Gas.*

13. The price to be charged by the Undertakers for gas supplied by them to Price of gas.
consumers shall not exceed six shillings per one thousand cubic feet, and so in
proportion for any quantity less than one thousand cubic feet so supplied,
provided that every portion of one hundred cubic feet may be charged for
15 as one hundred cubic feet.

Pressure of Gas.

14. All gas supplied by the Undertakers to any consumer of gas shall be Pressure of
supplied at such pressure as to balance from midnight to sunset a column of gas.
water not less than six tenths of an inch in height, and to balance from sunset
20 to midnight a column of water not less than eight tenths of an inch in height,
at the main as near as may be to the junction therewith of the service pipe
supplying such consumer.

Testing of Gas.

15. The Undertakers shall, within six months after the passing of the Act Test meter.
25 confirming this Order, cause to be provided at their works a testing place, with
apparatus therein, according to the provisions of "The Gasworks Clauses Act,
1871;" and the burner to be used for testing the gas shall be a Sugg's London
Argand No. 1, with a six-inch by one-and-three-quarter inch glass chimney,
and if at any time the gas flame tails over the top of the glass a six-inch by
30 two-inch chimney shall be used; and any gas examiner appointed under
"The Gasworks Clauses Act, 1871," for the purposes of this Order, may from
time to time, subject to the terms of his appointment, at such testing place or
elsewhere, as and when he thinks fit, test the pressure at which the gas is
supplied, and for that purpose may open any street, road, passage, or place
35 vested in or under the control of any local or road authority.

Miscellaneous.

16. No penalty shall be incurred by the Undertakers for insufficiency of No penalty in
pressure, defect of illuminating power, or for excess of impurity in the gas case of un-
supplied by them in any case in respect of which it is proved that such avoidable
40 insufficiency, defect, or excess was caused by an unavoidable cause or accident. cause.

A.D. 1876.

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Gas and Water Orders Confirmation
(*Chapel-en-le-Frith, &c.*)

[39 VICT.]

Poole.

Underakers to
pay interest on
deposit.

17. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

8 Vict. c. 16.
s. 140. incor-
porated.

18. Section 140 of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean the Undertakers.

Saving of
existing con-
tracts.

19. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

Costs of Order.

20. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

PART I.

20

GAS LANDS.

A piece of land bounded on the south by the public thoroughfare known as East Quay Road; on the east partly by houses and lands belonging to Martha Turpin, widow, at the corner of East Quay Road and South Lane, and partly by South Lane itself on the north or north-east by East Street, and on the west partly by a road or street leading from East Quay Road aforesaid by Taylor's Buildings and Russell Place to East Street aforesaid, and partly by land belonging to the executors of the late John Parr and others, and now occupied as allotment gardens, all in the parish of St. James, in the town and county of Poole.

30

PART II.

Two separate pieces of land adjoining and on the east and west sides respectively of the existing gasworks;

That on the east belonging to Martha Turpin, widow, containing seven small tenements occupied by the working classes, being bounded on the south by East Quay Road, on the east by South Lane, and on the west by the existing gasworks;

35

That on the west belonging to the executors of the late John Parr and others, and occupied as allotment gardens, being bounded on the south by East Quay Road, on the east and north by the existing gasworks, and on the west by the road herein-before referred to as leading from East Quay Road to
5 East Street.

A.D. 1876.
Poole.

NEATH WATER.

Order empowering the Neath Water Company to raise Additional Capital. *Neath.*

1. This Order may be cited as "The Neath Water Order, 1876." Short title.
- 10 2. The Neath Water Supply Act, 1861, (in this Order referred to as "the Act of 1861,") and the Neath Water (Extension) Act, 1865, (in this Order referred to as "the Act of 1865,") and this Order, shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. Construction of Order.
- 15 3. So far as the same relate to the powers conferred by this Order, the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the several matters following, (that is to say, Incorporation of Acts.
 - The distribution of the capital hereby authorised into shares ;
 - The transfer or transmission of shares ;
 - 20 The payment of subscriptions and the means of enforcing payment of calls ;
 - The forfeiture of shares for nonpayment of calls ;
 - The remedies of the creditors of the Company against the shareholders ;
 - The consolidation of shares into stock ;
 - The general meetings of the Company, and the exercise of the right of voting
 - 25 by the shareholders ;
 - The making of dividends ;
 - The borrowing of money by the Company on mortgage or bond ;
 - The giving of notices, and the provisions for affording access to the special Act ;
 - 30 and Part 1 (relating to cancellation and surrender of shares), and Part 2 (relating to additional capital), and Part 3 (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Companies Clauses Act, 1869," and "The Waterworks Clauses Acts, 1847 and 1863," are, except where expressly varied by this Order, incorporated with and form part of this Order.
 - 35 For the purpose of such incorporation, the term "special Act" in the said Acts shall be construed to mean this Order.
4. The Neath Water Company incorporated by the Act of 1861 shall be Undertakers,
the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

A.D. 1876.

Neath.
Additional
capital.*Additional Capital.*

5. In addition to the capital already authorised to be raised by the Undertakers, the Undertakers may in respect of and for the purposes of their Briton Ferry undertaking, as the same is defined by the eighth section of the Act of 1865, from time to time—

1. Raise any further sums not exceeding in the whole twenty thousand pounds by the issue of new ordinary or preference shares or stock, or wholly or partially by one or more of those modes respectively, but not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and
2. Borrow on mortgage, in respect of the additional capital of twenty thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock, any sums not exceeding in the whole five thousand pounds; and the Undertakers may, as each sum of five thousand pounds of such additional capital has been issued and accepted, and one half of the amount of each such sum has been paid up, borrow on mortgage, in respect of each such sum of five thousand pounds, any sum or sums not exceeding in the whole one thousand two hundred and fifty pounds; but in no case shall any part of the said respective sums be borrowed until the Undertakers shall have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of such capital as is to be raised by means of stock is fully paid up, and that such capital was issued bona fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Undertakers, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

All moneys borrowed under the authority of this Order shall be charged solely upon the Briton Ferry undertaking of the Undertakers, as the same is defined by the eighth section of the Act of 1865.

Calls.

6. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between the successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Votes of pro-
prietors.

7. The proprietors of any shares or stock to be created and issued under the authority of this Order shall be entitled to such number of votes in respect

thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

A.D. 1876.
Neath.

8. Every mortgage granted by the Undertakers under the authority of the Act of 1861 or the Act of 1865 shall have priority over all mortgages and debenture stock granted and issued under this Order.

Priority of
existing mort-
gages.

10 9. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order.

Power to
create debenture
stock.

15 10. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised to be raised by shares or stock than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital, or of any part thereof, as shall be issued as preference capital.

Limits of divi-
dend on addi-
tional capital.

20 11. All moneys raised under this Order shall be applied solely to the purposes of the Briton Ferry undertaking of the Undertakers as the same is defined by the eighth section of the Act of 1865.

Application of
money.

12. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

NEWBURY WATER.

Order empowering the Newbury District Water Company, Limited, to construct Waterworks and to supply Water in Newbury, Speenhamland, Speen, Church Speen, Wood Speen East, and other places in the county of Berks.

Newbury.

30 1. This Order may be cited as "The Newbury District Water Order, 1876."

Short title.

2. The provisions of "the Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and "The Waterworks Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Incorporation
of Acts.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings:

Interpretation.

[195.] C 2

A.D. 1876. *Newbury.* Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute: 5

The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order.

Limits of
Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the 10 borough of Newbury and the tything or hamlet of Speenhamland, the tythings or places of Speen, Church Speen, and Wood Speen East, in the parish of Speen, all in the county of Berks.

Undertakers.

Undertakers. 5. The Newbury District Water Company, Limited, shall be the Under- 15 takers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital. 6. The share capital of the Undertakers shall not exceed twenty thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 20 1870," or by Act of Parliament.

Undertakers may purchase lands by agreement. 7. The Undertakers may, by agreement, purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the Undertaking authorised by this Order.

Undertakers may acquire easements, &c. by agreement. 8. Persons empowered by the Lands Clauses Acts to sell and convey or 25 release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such 30 easements, rights, or privileges as aforesaid.

Undertakers to hold limited quantity of land only. 9. The Undertakers shall not hold more than five acres of land.

Construction of Waterworks.

Power to construct water-works and supply water. 10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown 35 on the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections), the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the 40 limits of supply.

The works authorised by this Order are as follows:

1. A well or tank and shaft, or boring and pumping station, with pumping engines, engine, and boiler-houses, and other works, buildings, and

conveniences, situated in the parish of Speen, in a meadow abutting upon the south side of a footpath leading from Marsh Benham to Newbury, which meadow is numbered 212 on the parish map, and belongs, or is reputed to belong, to Pembroke College, Oxford, and is distant about 120 yards in an easterly direction from the farm house or cottage commonly known as Major Bunny's Dairy.

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 Newbury.

2. A reservoir or reservoirs in the parish of Speen, in a field numbered 300 on the said parish map, and commonly known as "Whittle Field," belonging, or reputed to belong, to Lieutenant William Henry Wyld, situate at a point in the said field about 50 yards westward of the footpath leading from the London and Marlborough Turnpike (Speenhamland District) Road to Bellmount, and adjoining or near to certain cottage gardens abutting upon that road, which are at present occupied by Sarah Mumford, James Hawkins, and others.

3. A conduit (No. 1) or line of pipes commencing in the parish of Speen at the reservoir or reservoirs before described, passing thence in an easterly direction through Whittle Field to the said footpath leading from the said turnpike road to Bellmount, and in a southerly direction along that footpath and across the said road into the lower or back road running to the southward of, and nearly parallel to the said turnpike road, thence in an easterly direction between the Cottage Hospital and the vicarage at Speen, along and under that lower or back road for its whole length to the junction thereof with the said turnpike road, near to certain houses known as the Castle Houses, thence along the said turnpike road through Speenhamland, to and terminating in the same parish in the tything of Wood Speen East, at a point on the last-mentioned road at or opposite the southern end of the road leading therefrom to Shaw.

4. A conduit (No. 2), line of pipes, or pumping main, in the parish of Speen, commencing at the Well and Pumping Station firstly before described, thence proceeding in a northerly direction through the said meadow numbered 212 on the Speen parish map, and along a road adjoining the eastern ends of the fields numbered 198 and 199 and the western side of the field numbered 219 on the said parish map, and terminating by a junction with the conduit or line of pipes (No. 1) at a point in the said lower or back road nearly opposite Captain Bouchier's house and garden.

5. A conduit (No. 3) or line of pipes commencing in the tything or hamlet of Speenhamland in the said parish of Speen, by a junction with the conduit or line of pipes (No. 1) at or near the Stone Lamp pillar in the Broadway in Speenhamland aforesaid, thence proceeding in a southerly direction along the Broadway into and along Northbrook Street in the borough of Newbury to a point about 40 yards to the north of the bridge over the Kennett and Avon Canal, with branches to the market place, and thence south-eastward along Cheap Street and Saint Mary's Hill to the boundary of the borough of Newbury, and also south and south-west to and along Bartholomew Street to such place or places within the said borough of Newbury as the town

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Newbury.

council of the said borough shall by writing under the hand of the town clerk of the said borough order and direct; Provided that such place or places shall not be higher in elevation than eighty-five feet above the level of the datum point marked on the deposited plan.

6. All needful pipes and other works for the distribution and supply of 5
water within the before-named limits of supply.

Limits of
deviation.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet 10
upwards or seven feet downwards.

Period for
completion of
works.

12. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided that the Undertakers shall not supply water within the borough of Newbury 15
until the branches herein-before mentioned shall have been completed, unless with the permission of the town council of the said borough of Newbury signified by a writing under the hand of the town clerk of the said borough: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their 20
engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

As to pipes
crossing the
works of a
railway or
other company.

13. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross 25
under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party. 30

Quality of Water.

Quality of
water.

14. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Supply.

Limits of
pressure

15. The water supplied by the Undertakers need not at any time be delivered at a greater height than eighty-five feet above the level of the datum point marked on the deposited plan. 35

Rates for
supply for
domestic purposes.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include 40
one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the yearly rates herein-after specified: (that is to say,)

Where the annual rack-rent or value of the premises so supplied with water shall not exceed five pounds, the sum of eight shillings and eightpence: 45

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Newbury.

Where such rack-rent or value shall exceed five pounds and not exceed ten pounds, the sum of sixteen shillings :

Where such rack-rent or value shall exceed ten pounds and not exceed fifteen pounds, the sum of twenty-four shillings :

5 Where such rack-rent or value shall exceed fifteen pounds and not exceed twenty pounds, the sum of thirty-two shillings :

Where such rack-rent or value shall exceed twenty pounds and not exceed twenty-five pounds, the sum of thirty-nine shillings :

10 Where such rack-rent or value shall exceed twenty-five pounds and not exceed thirty pounds, the sum of forty-six shillings :

Where such rack-rent or value shall exceed thirty pounds and not exceed thirty-five pounds, the sum of fifty-three shillings :

Where such rack-rent or value shall exceed thirty-five pounds and not exceed forty pounds, the sum of sixty shillings :

15 Where such rack-rent or value shall exceed forty pounds and not exceed forty-five pounds, the sum of sixty-six shillings :

Where such rack-rent or value shall exceed forty-five pounds and not exceed fifty pounds, the sum of seventy-two shillings :

20 Where such rack-rent or value shall exceed fifty pounds and not exceed fifty-five pounds, the sum of seventy-eight shillings :

Where such rack-rent or value shall exceed fifty-five pounds and not exceed sixty pounds, the sum of eighty-four shillings :

Where such rack-rent or value shall exceed sixty pounds and not exceed sixty-five pounds, the sum of eighty-nine shillings :

25 Where such rack-rent or value shall exceed sixty-five pounds and not exceed seventy pounds, the sum of ninety-four shillings :

Where such rack-rent or value shall exceed seventy pounds and not exceed seventy-five pounds, the sum of ninety-nine shillings :

30 Where such rack-rent or value shall exceed seventy-five pounds and not exceed eighty pounds, the sum of one hundred and four shillings :

Where such rack-rent or value shall exceed eighty pounds and not exceed eighty-five pounds, the sum of one hundred and eight shillings :

Where such rack-rent or value shall exceed eighty-five pounds and not exceed ninety pounds, the sum of one hundred and twelve shillings :

35 Where such rack-rent or value shall exceed ninety pounds and not exceed ninety-five pounds, the sum of one hundred and sixteen shillings :

Where such rack-rent or value shall exceed ninety-five pounds and not exceed one hundred pounds, the sum of one hundred and twenty shillings :

40 Where such rack-rent or value shall exceed one hundred pounds, at a rate per centum not exceeding five pounds ten shillings.

17. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding five shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as, the rate for the supply of water for domestic purposes : Provided always, that for baths containing as usually

Rates for
waterclosets
and baths.

A.D. 1876.

Newbury.

Power for Undertakers to make regulations for preventing waste of water.

filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

18. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expedient for preventing the waste or misuse of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply. 5

Power for Undertakers to refuse supply where regulations not complied with.

19. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices. 10

Water supplied by agreement.

20. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing. 15 20

Supply of water by meter.

21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate. 25

Undertakers to keep meters in repair.

22. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times. 30 35

Register of meters to be evidence.

23. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties. 40 45

24. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

A.D. 1876.

Newbury.
Amendment of
10 & 11 Vict.
c. 17. s. 44.

25. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such building, house, and premises.

When several
houses supplied
by one pipe,
each to pay.

26. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Supply of
water to tene-
ments in a row

Penalties.

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Impurity of
water.

28. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall

Injuring
meters.

A.D. 1876. be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Newbury.

Misuser where supply to several houses is by a pipe common to all.

29. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. 5

Miscellaneous.

Incoming tenant not liable to pay arrears.

30. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. 10 15

Several names in one summons.

31. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums.

Warrant of distress to include costs.

32. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. 20

Liability to water rate not to disqualify justices from acting.

33. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. 25

Incorporation of section 140 of "The Companies Clauses Act, 1845."

34. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, for the purposes of such incorporation, the expression "the Company" in the said section shall mean the Undertakers. 30

Costs of Order.

35. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 35

WANTAGE WATER.

A.D. 1876.

Order authorising the construction of Waterworks and the supply of Water in the town of Wantage and the hamlet of Grove, in the parish of Wantage, in the county of Berks.

- | | | |
|----|---|------------------------|
| 5 | 1. This Order may be cited as "The Wantage Water Order, 1876." | Short title. |
| 2 | 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the undertaking), and "The Water-works Clauses Acts, 1847 and 1863," are hereby incorporated with this Order, | Incorporation of Acts. |
| 10 | except where the same are expressly varied by this Order. | |
| 3 | 3. The several words and expressions to which, by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned have in this Order the same respective meanings: | Interpretation. |
| 15 | 4. Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute. | |
| 20 | 5. The term "premises" in this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order. | |
| 25 | 6. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the township and parish of Wantage and the hamlet of Grove, in the parish of Wantage, in the county of Berks. | Limits of Order. |

Undertakers.

5. Thomas Liddiard, of Wantage, in the county of Berks, Edward Ormond, Undertakers.
of Wantage aforesaid, George Stevenson, of Wantage aforesaid, Richard Woods,
30 of Grove, in the parish of Wantage aforesaid, and Joseph Lewis, of Wantage
aforesaid, their heirs or assigns, shall be the Undertakers for {the purposes of
this Order, and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall not exceed ten thousand Capital.
35 pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.
7. The Undertakers may, by agreement, purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be
40 required for the undertaking authorised by this Order. Undertakers may purchase lands by agree-
ment.

A.D. 1876.

Wantage.
Undertakers
may acquire
easements, &c.
by agreement.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid. 5

Undertakers to
hold limited
quantity of
land only.

9. The Undertakers shall not hold more than ten acres of land.

Construction of Waterworks.

Power to con-
struct water-
works and
supply water.

10. The Undertakers may, on lands acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order (in this Order respectively referred to as "the deposited plans" and "the deposited sections"), the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply. 10 15

The works authorised by this Order are as follows:

- No. 1. A main pipe or aqueduct for conveying water from springs to the service reservoir or water tank herein-after thirdly described, commencing at a valley on the north-west corner of a piece of land belonging to the Reverend Daniel Trinder, and on the east side of the road leading from the town of Wantage to the town of Hungerford, at or near the bottom of the hill called Workhouse Hill, and passing along the east side of the said road for a distance of forty-one chains and thirty links, then crossing under the said road in a north-westerly direction through filtering beds into the service reservoir or water tank herein-after thirdly described. 20 25
- No. 2. A main pipe or aqueduct for conveying water from the springs commencing in a valley at Edge Hill, part of the Manor Farm, belonging or reputed to belong to Charles Worthington, Esquire, on the west side of the said road leading from Wantage to Hungerford, and immediately on the north side of the entrance gates from the said road to Edge Hill Barn and Cottages, and passing along the said valley in a north-eastwardly direction for the distance of nineteen chains and a half, then crossing in the same direction under the said road, and joining the main pipe or aqueduct herein-before firstly described at a point twenty-four chains distant from the commencement of the said main pipe or aqueduct herein-before firstly described. 30 35
- No. 3. A service reservoir, water tank, and filtering beds to be situate in a water meadow belonging to Mr. Edward Ormond on the west side of the said road leading from Wantage to Hungerford, and immediately on the north side of the entrance gates from the said road to the said water meadow. 40
- No. 4. A main pipe or aqueduct commencing at the said service reservoir or water tank herein-before thirdly described, and passing in a north- 45

eastwardly direction to the west side of the said road, then along the said road in a north-eastwardly direction until it reaches Newbury Street, in the town of Wantage, then along Newbury Street for the whole length thereof into and through the Wantage market-place in a north-westwardly direction to Grove Street, then along Grove Street in a north-eastwardly direction for the whole length thereof into the hamlet or village of Grove, then along the west side of the road leading from Wantage to the Wantage Road station of the Great Western Railway, then by the side of the bridge which carries the said road over the Wilts and Berks Canal, and then in a northwardly direction along the main street or road of Grove to the village green, then turning westward and terminating in Grove at the bridge which carries the said main street or road over the millstream.

A.D. 1876.

Wantage.

15 All needful pipes and other works for the distribution and supply of water within the before-named parishes and places.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or thirty feet downwards for the distance of thirty chains from the said springs, and to any extent not exceeding three feet upwards or seven feet downwards beyond that distance.

Limits of
deviation.

12. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of "The Gas and Water Works Facilities Act, 1870:" Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Period for
completion of
works.

13. Notwithstanding anything in this Order contained, the Undertakers shall not lay any main pipe or aqueduct, or execute any other work, upon any land the property of Charles Main Worthington, Esquire, except underneath or below the surface of the said road, unless and until they have obtained the consent in writing of the said Charles Main Worthington, Esquire, his heirs or assigns, to the laying of such main pipe or aqueduct, or to the execution of such other work.

Undertakers
not to lay
pipes, &c. on
land of C. M.
Worthington,
Esquire, with-
out consent.

14. Where any aqueduct or pipe has been laid by the Undertakers underneath the road leading from the Wantage Workhouse, through the town of Wantage to Grove, the ground shall be filled in, and the surface of the road made good at the expense of the Undertakers, and under the superintendence and direction of the surveyor to the Wantage Improvement Commissioners.

Road to be
made good at
the expense of
Undertakers.

15. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing,

As to pipes
crossing the
works of a
railway or
other company.

A.D. 1876. altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Wantage.

Quality of Water.

Quality of water.

16. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit, and the same shall be effectually filtered, if at any time the Board of Trade shall, on the representation of the local authority or any twenty consumers of water supplied by the Undertakers, that such filtration is necessary, so order.

Supply.

10

Limits of pressure.

17. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service tank or works authorised by this Order.

Rates for supply for domestic purposes.

18. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified; (that is to say,) 15

Where the annual rackrent or value of the premises so supplied with water does not exceed two pounds ten shillings per annum, at a rate not exceeding twopence per week. 20

Where such rent or value is above two pounds ten shillings, and does not exceed five pounds per annum, at a rate not exceeding threepence per week. 25

Where such rent or value is above five pounds, and does not exceed ten pounds per annum, at a rate not exceeding fourpence per week.

Where such rent or value is above ten pounds, and does not exceed twenty pounds per annum, at a rate per centum [per annum not exceeding ten pounds. 30

Where such rent or value is above twenty pounds, at a rate per centum per annum not exceeding eight pounds.

Rates for waterclosets and baths.

19. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as, the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than twenty gallons the Undertakers may charge an increased rate in proportion to the size of such baths. 35

The Undertakers shall not be compelled to supply water for any bath so constructed as to contain when filled for use more than fifty gallons of water. 40

Power for Undertakers to make regu-

20. Subject to the provisions of this Order, the Undertakers may from time to time make and enforce such reasonable regulations as they may find expe-

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dient for preventing the waste or misuse of water, and, among other things, may prescribe the pipes, cocks, cisterns, and other apparatus proper and suitable for the purposes of supply.

Wantage.
lations for
preventing
waste of water.

For preventing
fouling of
water.

21. The Undertakers shall not be compelled to supply any person with water for waterclosets or baths unless the apparatus or pipes provided or to be provided by such person shall be of such material and so constructed and used as to prevent the waste or undue consumption of the water of the Undertakers, and the return of foul air or noisome and impure matter into pipes belonging to or connected with the pipes of the Undertakers.

22. In the event of any such regulations not being observed by any person having or requiring a supply of water, the Undertakers may refuse to supply water, or may cut off the water supplied to him, unless and until the regulations be complied with; and if and whenever any difference shall arise as to whether the regulations are reasonable, or have been complied with, the difference may be referred by either party to and shall be settled by two justices.

Power for
Undertakers
to refuse supply
where regula-
tions not com-
plied with.

23. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement, no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing.

Water supplied
by agreement.

24. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Supply of
water by meter.

25. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

Undertakers to
keep meters in
repair.

26. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Register of
meters to be
evidence.

A.D. 1876.

Wantage.
Amendment of
10 & 11 Vict.
c. 17. s. 44.

27. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

When several
houses supplied
by one pipe
each to pay.

28. When several houses or parts of houses in the occupation of several persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

Supply of
water to tene-
ments in a row.

29. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water.

Penalties.

Impurity of
water.

30. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

Injuring
meters.

31. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall

be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. A.D. 1876.
Wantage.

32. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. Misuser where supply to several houses is by a pipe common to all.

Miscellaneous.

33. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. Incoming tenant not liable to pay arrears.

34. Any summons or warrant issued for any of the purposes of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums. Several names in one summons.

35. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money. Warrant of distress to include costs.

36. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. Liability to water rate not to disqualify justices from acting.

37. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, for the purposes of such incorporation, the expression "the Company" in the said section shall mean the Undertakers. Incorporation of section 140 of "The Companies Clauses Act, 1845."

38. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. Costs of Order.

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CONNAH'S QUAY GAS AND WATER.

- Connah's Quay.* *Order empowering the Connah's Quay Gas and Waterworks Company (Limited) to construct and maintain Gasworks and Waterworks, and to make and supply Gas, and to supply Water within the Parishes of Northop, Hawarden, Mold, 5 Soughton, Golftyn, Wepre, Shotton, Aston, Mancot, Broughton, Bretton, Bannel, Pentrobin, Ewloe Town, Ewloe Wood, Bistre, Argoed, and Buckley, in the County of Flint.*
- Short title. 1. This Order may be cited as "The Connah's Quay Gas and Water Order, 1876." 10
- Incorporation of Acts. 2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters), are hereby incorporated with this Order, except where the same are expressly varied by this Order.
- Interpretation. 3. The several words and expressions to which by the Acts in whole or in 15 part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.
- Undertakers.*
- Undertakers. 4. The Connah's Quay Gas and Water Company (Limited) shall be the 20 Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."
- Capital.*
- Capital. 5. The share capital of the Undertakers for the purposes of their gas and water undertakings shall not exceed fifteen thousand pounds, unless they be 25 hereafter authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament.
- Limits of dividend. 6. The Undertakers shall not in any year make out of their profits any larger dividend on the share capital by this Order authorised to be raised than 30 eight pounds in respect of every one hundred pounds actually paid up of such capital.

PART I.

GAS UNDERTAKING.

- Incorporation of Acts. 7. The provisions of "The Gasworks Clauses Act, 1847," and of "The 35 Gasworks Clauses Act, 1871," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order.

A.D. 1876.

Connah's Quay.

Limits of gas undertaking.

8. The limits within which the provisions of this part of this Order shall be in force and have effect (in this part of this Order referred to as "the limits of supply") shall be the parishes of Northop, Hawarden, Mold, Soughton Golfryn, Wepre, Shotton, Aston, Mancot, Broughton, Bretton, Bannel, 5 Pentrobin, Ewloe Town, Ewloe Wood, Bistre, Argoed, and Buckley, all in the county of Flint.

Acquisition of Lands, &c.

9. The Undertakers may by agreement purchase or take on lease, and use such of the lands shown on the map deposited for the purpose of this Order, 10 in this Order referred to as "the deposited map," and described in Schedule A. to this Order annexed, as may be required for the gas undertaking authorised by this part of this Order. Power to purchase land.

10. The Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," 15 may hold for any of the purposes of the gas undertaking authorised by this part of this Order any land not exceeding five acres, in addition to the lands shown on the deposited map and described in Schedule A. to this Order annexed. Additional land.

Construction and Maintenance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

20 11. The Undertakers, on any of the lands shown on the deposited map and described in Schedule A. to this Order annexed, when the same have been acquired by them, may erect and maintain, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products 25 obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coke, coal-tar, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and 30 dispose of the same at the works and elsewhere. Undertakers may erect and maintain gasworks on lands described in schedule A., and may make and sell gas, &c.

Quality of Gas.

12. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance 35 with the provisions of "The Gasworks Clauses Act, 1871." Quality of gas

Price of Gas.

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings per one thousand cubic feet. Price of gas.

Pressure of Gas.

40 14. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of gas. Pressure of gas.

A.D. 1876. water not less than six-tenths of an inch in height, and to balance from sunset
Connah's to midnight a column of water not less than eight-tenths of an inch in height at
Quay. the main as near as may be to the junction therewith of the service pipe supply-
 ing each consumer.

Testing Gas.

5

Testing of gas.

15. The Undertakers, before supplying gas under the authority of this part of
 this Order, shall cause to be provided at their works a testing place with apparatus
 therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and
 the burner to be used for testing the gas shall be a Sugg's London Argand, 10
 Number one, with a six inch by one and three quarter inch glass chimney, and
 if at any time the gas flame tails over the top of the glass a six inch by two
 inch chimney shall be used, and any gas examiner appointed under "The Gas-
 works Clauses Act, 1871," for the purposes of this part of this Order, may
 from time to time, subject to the terms of his appointment, at such testing place
 or elsewhere, as and when he thinks fit, test the pressure at which the gas is 15
 supplied, and for that purpose may open any street, road, passage, or place vested
 in or under the control of any local or road authority.

Miscellaneous.

No penalty in
 case of un-
 avoidable
 cause.

16. No penalty shall be incurred by the Undertakers for insufficiency of
 pressure, defect of illuminating power, or for excess of impurity in the gas 20
 supplied by them in any case in respect of which it is proved that such in-
 sufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to
 pay interest on
 deposit.

17. Where any money is deposited by any person by way of security with
 the Undertakers for the payment to them of all moneys which may become 25
 due to them by such person in respect of any supply of gas or of the purchase
 or hire of any meter, the Undertakers shall pay interest at the rate of five
 pounds per centum per annum on every sum of ten shillings deposited by way
 of such security for every six months during which the same remains in their
 hands.

PART II.

30

WATER UNDERTAKING.

Incorporation
 of Acts.

18. The provisions of the Waterworks Clauses Acts, 1847 and 1863, are
 hereby incorporated with this part of this Order, except where the same are
 expressly varied by this part of this Order.

Interpretation.

19. The expression "superior court" or "court of competent jurisdiction" in 35
 any Act wholly or partially incorporated with this part of this Order shall be
 read and have effect as if the debt or demand in respect of which the expression
 is used were an ordinary simple contract debt, and not a debt or demand created
 by statute.

The term "premises" in this part of this Order shall mean and include any 40
 house, building, or land in, to, or through which water is supplied under the
 authority of this part of this Order.

20. The limits within which the provisions of this part of this Order shall be in force and have effect (in this part of this Order referred to as "the limits of supply") shall be the townships of Golftyn and Wepre, in the county of Flint.

Connah's Quay.

Limits of water undertaking.

21. The Undertakers may, by agreement, purchase and use such of the lands delineated on the plans deposited for the purposes of this Order as may be required for the water undertaking authorised by this part of this Order.

Undertakers may purchase lands by agreement.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Undertakers may acquire easements, &c. by agreement.

23. The Undertakers shall not hold more than five acres of land for the purposes of the water undertaking authorised by this part of this Order, including the lands described in Schedule B. to this Order annexed.

Undertakers to hold limited quantity of land only.

Construction of Waterworks.

24. The Undertakers may, on lands acquired by them under the authority of this part of this Order, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this part of this Order (in this part of this Order respectively referred to as "the deposited plans" and "the deposited sections"), the works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to construct waterworks and supply water.

The works authorised by this part of this Order are as follows:

An impounding reservoir situate in the township of Wepre in the parish of Northop aforesaid, and extending over parts or portions of three fields belonging to William Purser Freme, Esq., and in the respective occupations of Edward Jones and John Peers, and commonly known by the respective names of the Marl Field, the Old Bog, and the Gell Meadow, commencing at a point in the said field called the Marl Field distant one hundred and seventy yards, or thereabouts, measured in a southerly direction from the bridge which carries the Buckley Railway over the turnpike road leading from Northop to Connah's Quay, thence running in a south-westerly direction to the north-west corner of a wood abutting on the western side of the said field called the Old Bog, thence running in a south-easterly direction to a point in the same field distant one hundred and seventy yards, or thereabouts, from the said corner of the said wood, and thence in a northerly direction to and terminating at the said point of commencement.

An aqueduct, conduit, or line of pipes commencing at the impounding reservoir herein-before described, and terminating at the service reservoir next herein-after described.

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—
Connah's
Quay.

A service reservoir situate in and on the north-east side of a field in the township of Wepre and parish of Northop aforesaid called the Town Field, belonging or reputed to belong to Edward Bate, Esq., and in the occupation of William Jones, at or near a point distant eighty yards, or thereabouts, from the occupation road on the north-west side of that 5 field.

An aqueduct, conduit, or line of pipes commencing at the service reservoir before mentioned and terminating at a point where the turnpike road from Northop to Connah's Quay joins the turnpike road from Flint to Queen's Ferry. 10

An aqueduct, conduit, or line of pipes commencing at Wepre Bridge on the turnpike road leading from Flint to Queen's Ferry and terminating at a point on that turnpike road where the public road or highway from Golftyn House joins that turnpike road.

An aqueduct or line of pipes commencing at a point on the last-mentioned 15 turnpike road where the road leading to the Connah's Quay Docks runs into that turnpike road near to a row of houses called Coffin Row and terminating near the said docks, and at or near a house called the Connah's Quay Tavern occupied by Mrs. Parry.

Power to take
water from
Broad Oak
Brook.

25. The Undertakers may take, divert, collect, and impound in the said 20 reservoirs the waters of the Broad Oak Brook and of the springs and streams flowing into the same, and also all springs and waters found in, upon, or under any lands to be acquired by the Undertakers for the purpose of their water undertaking.

Limits of
deviation.

26. In constructing the works authorised by this part of this Order the 25 Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Period for
completion of
works.

27. The works authorised by this part of this Order shall be commenced, 30 constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always that, subject to the restrictions and provisions of this part of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in 35 such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Undertakers
to make good
certain ex-
penses to which
Arthur Hills,
Esquire, may
be rendered
liable owing to
abstraction of
water from
Broad Oak
Brook.

28. If, by reason of the abstraction of water from the Broad Oak Brook by the Undertakers under the authority of this part of this Order, sand shall accumulate at the mouth of the Wepre Brook, so as to be an obstruction to 40 vessels in passing to or from the Wepre Brook Chemical Works of Arthur Hills, Esquire, and the said Arthur Hills, his heirs, executors, administrators, or assigns shall, for the purpose of preventing or removing such obstruction, incur any expense, the Undertakers shall pay to the said Arthur Hills, his heirs, executors, administrators, or assigns, such sum of money as shall be agreed upon 45 between the Undertakers and the said Arthur Hills, his heirs, executors, administrators, or assigns, in compensation for the expense so incurred; and in case any

difference shall arise between the said Arthur Hills, his heirs, executors, administrators, or assigns, and the Undertakers as to whether or how far such expense was rendered necessary by the abstraction of water from the Broad Oak Brook by the Undertakers, or as to what sum shall be paid as compensation by the Undertakers, such difference shall be determined by an arbitrator to be appointed by the Board of Trade, on the application of either party, and the decision of such arbitrator as to such difference, and as to how or by whom the costs of the arbitration shall be paid, shall be final and conclusive.

A.D. 1876.

*Connah's Quay.**Quality of Water.*

- 10 29. The water supplied by the Undertakers shall be effectually filtered and shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Quality of water.

Supply.

- 15 30. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service tank or works authorised by this part of this Order, nor need the water supplied by the Undertakers be constantly laid on under pressure.

Limits of pressure.

- 20 31. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates herein-after specified (that is to say,)

Rates for supply for domestic purposes.

- 25 If the rack-rent or (if not let at a rack-rent) the annual value according to the poor-rate assessment of the house or of part of a house does not amount to five pounds per annum, the rate of seven shillings per annum, and so in proportion for any shorter period;

- 30 If such rack-rent or (as the case may be) annual value amounts to five pounds but does not amount to seven pounds per annum, the rate of eight shillings per annum, and so in proportion for any shorter period;

- If such rack-rent or (as the case may be) annual value amounts to seven pounds but does not amount to ten pounds per annum, the rate per annum of twelve shillings, and so in proportion for any shorter period;

- 35 If such rack-rent or (as the case may be) annual value amounts to ten pounds but does not amount to fifteen pounds per annum, the rate of nineteen shillings per annum, and so in proportion for any shorter period;

- 40 If such rack-rent or (as the case may be) annual value amounts to fifteen pounds but does not amount to twenty pounds per annum, the sum of twenty-seven shillings and sixpence per annum, and so in proportion for any shorter period;

- If such rack-rent or (as the case may be) annual value amounts to twenty pounds but does not amount to twenty-five pounds per annum, the sum of thirty-two shillings and sixpence per annum, and so in proportion for any shorter period;

A.D. 1876.

*Connah's
Quay.*Rates for
waterclosets,
baths, and
horses, &c.

If such rack-rent or (as the case may be) annual value amounts to and exceeds twenty-five pounds per annum, the rate of six pounds ten shillings per centum per annum upon such rack-rent or annual value, as the case may be, and so in proportion for any shorter period.

32. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum, and for or in respect of each horse consuming water supplied by the Undertakers ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths.

Water supplied
by agreement.

33. The Undertakers may from time to time supply any person, corporation, or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this part of this Order; and every such agreement shall be, by virtue of this part of this Order, determinable by the Undertakers on one month's notice in writing.

Supply of
water by meter.

34. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Undertakers
to keep meters
in repair.

35. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times.

Register of
meters to be
evidence.

36. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Amendment of
10 & 11 Vict.
c. 17. s. 44.

37. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for the purposes of this part of this Order, have effect as if the words "with the consent

A.D. 1876.
Connah's Quay.

“ in writing of the owner or reputed owner of any such house, or of the agent of
 “ such owner,” were omitted therefrom : Provided always, that any rent paid
 by an occupier in pursuance of the provisions of the said section may be
 deducted by such occupier from any rent from time to time due by him to such
 5 owner.

When several
 houses supplied
 by one pipe,
 each to pay.

38. When several houses or parts of houses in the occupation of several
 persons shall be supplied by one common pipe, the several owners or occupiers
 of such houses or parts of houses shall be liable to the payment of the same
 rates for the supply of water as they would have been liable to if each of such
 10 several houses or parts of houses had been separately supplied with water from
 the works of the Undertakers by a distinct pipe : Provided always, that the
 Undertakers shall not be compelled to supply water to the occupier of any part
 of a dwelling-house unless the water rate is paid for the whole of such building,
 house, and premises.

15 39. Where there are several tenements in a row no tenant or occupier of any
 one of the tenements, nor any person on his behalf, shall take or use the water
 laid on by the Undertakers to any other such tenement, unless the tenant or
 occupier be in respect of the tenement so occupied by him rated under this
 part of this Order for a supply of water.

Supply of
 water to tene-
 ments in a row.

20 *Penalties.*

40. If on any day the water supplied by the Undertakers is of less purity
 than it ought to be according to the provisions of this part of this Order, the Under-
 takers shall in every such case be liable to a penalty not exceeding ten pounds :
 Provided that no penalty shall be incurred in any case in which it is proved
 25 that the defect in purity was occasioned by an unavoidable cause or accident.

Impurity of
 water.

41. Every person who wilfully, fraudulently, or by culpable negligence
 injures or suffers to be injured any meter or fittings belonging to the Under-
 takers, or who fraudulently alters the index to any meter, or prevents any meter
 from duly registering the quantity of water supplied, or fraudulently abstracts,
 30 consumes, or uses water of the Undertakers, shall (without prejudice to any
 other right or remedy for the protection of the Undertakers or the punishment
 of the offender) for every such offence forfeit and pay to the Undertakers
 a sum not exceeding five pounds, and the Undertakers may in addition thereto
 recover the amount of any damage by them sustained, and in any case in which
 35 any person has wilfully or fraudulently injured or suffered to be injured any
 pipe, meter, or fittings belonging to the Undertakers, or has fraudulently
 altered the index to any meter, or prevented any meter from duly registering
 the quantity of water supplied, the Undertakers may also, until the matter
 complained of has been remedied, but no longer, discontinue the supply of
 40 water to the person so offending (notwithstanding any contract previously
 existing) ; and the existence of artificial means for causing such injury, altera-
 tion, or prevention, or for abstracting, consuming, or using water of the
 Undertakers, when such pipe, meter, or fittings is or are under the custody
 or control of the consumer, shall be *prima facie* evidence that such injury,
 45 alteration, prevention, abstraction, or consumption, as the case may be, has been
 fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Injuring
 meters.

Connah's Quay.
Misuser where supply to several houses is by a pipe common to all.

42. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

5

Miscellaneous.

Incoming tenant not liable to pay arrears.

43. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

10

Several names in one summons.

44. Any summons or warrant issued for any of the purposes of this part of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums.

15

Warrant of distress to include costs.

45. Any justice who issues a warrant of distress in pursuance of the provisions of this part of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

20

Liability to water rate not to disqualify justices from acting.

46. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this part of this Order by reason of his being liable to the payment of any water rate or other charge under this part of this Order.

25

PART III.

GENERAL PROVISIONS APPLYING TO GAS AND WATER UNDERTAKINGS.

As to pipes crossing the works of a railway or other company.

47. If any difference arises between the Undertakers and any railway, canal, or other company, whose land or works the Undertakers have power to cross under the authority of this Order for the purpose of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes or conduits, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade, at the request of either party.

30

Incorporation of section 140 of Companies Clauses Consolidation Act, 1845.

48. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," is hereby incorporated with this Order, provided that for the purpose of such incorporation the expression "the Company" shall be construed to mean "the Undertakers."

35

Costs of Order.

49. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

40

A.D. 1876.

Connah's
Quay.

SCHEDULE A.

GAS LANDS.

A piece of land situate in the township of Wepre, in the parish of Northop, in the county of Flint, belonging or reputed to belong to and occupied by
 5 Charles Davison, Esq., and bounded on the east by a stream called Wepre Gutter, on the west by land belonging or reputed to belong to and occupied by the said Charles Davison, on the south by other land now or late belonging to the said Charles Davison, and on the north by the Chester and Holyhead Railway.

10

SCHEDULE B.

SITES FOR THE WATERWORKS.

Impounding Reservoir.

A piece or parcel of land situate in the township of Wepre aforesaid, in the said parish of Northop, in the said county of Flint, occupied by the impounding
 15 reservoir and other works connected with the supply of water of the Undertakers, being part and parcel of portions of three fields, pieces or parcels of land, and commonly called or known by the respective names of the Marl Field, the Old Bog, and the Gell Meadow, and in the respective occupations of Edward Jones and John Peers.

20

Service Reservoir.

A piece or parcel of land situate in the township of Wepre aforesaid, in the said parish of Northop, in the said county of Flint, and bounded on the north-east side of and being part of a certain field, piece or parcel of land in the occupation of William Jones, called the Town Field, which said piece or parcel
 25 of land is situate about eighty yards or thereabouts from the occupation road on the north-west side of the said field called the Town Field.

FLINT GAS AND WATER.

Order empowering the Flint Gas and Water Company, Limited, to maintain and continue Gas Works and Water Works, and to construct additional Waterworks and to supply Gas and Water in the borough of Flint.

30

Flint.

1. This Order may be cited as "The Flint Gas and Water Order, 1876." Short title.
2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to

Incorporation.

[195.]

F 2

A.D. 1876. the entry on lands by the Promoters of the undertaking,) are hereby incorporated with this Order, except where the same are expressly varied by this Order.
Flint.

Interpretation. 3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order, and by "The Gas and Water Works Facilities Act, 1870," meanings are assigned, have in this Order the same respective meanings.

In this Order the expression "the corporation of Flint" shall mean the mayor, aldermen, and burgesses of the borough of Flint :

In this Order the expressions "deposited map," "deposited plans," and "deposited sections," shall mean respectively the map, plans, and sections deposited for the purposes of this Order.

Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the borough of Flint.

15

Undertakers.

The Undertakers. 5. The Flint Gas and Water Company, Limited, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital. 6. The share capital of the Undertakers shall for the purposes of their gas and water undertakings consist of the original share capital, amounting to seven thousand pounds, already raised by the Undertakers, and of additional share capital not exceeding three thousand pounds; and the original and additional share capital of the Undertakers shall not for such purposes exceed ten thousand pounds, unless the Undertakers shall be authorised to raise additional share capital by Provisional Order under "The Gas and Water Works Facilities Act, 1870," or by Act of Parliament; and the said original capital and additional share capital shall be apportioned between the gas undertaking and the water undertaking by this Order authorised in the manner following; that is to say, of the original capital two thousand four hundred pounds and of the additional capital one thousand pounds shall form the share capital for the gas undertaking, of the original capital four thousand six hundred pounds and of the additional capital two thousand pounds shall form the share capital for the water undertaking.

The Undertakers may from time to time borrow on mortgage or by bond any sums not exceeding in the whole two thousand five hundred pounds.

Limits of dividend on additional capital. 7. The Undertakers shall not in any year make out of their profits any larger dividend on the said additional share capital than seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital, or of any part thereof, as may be issued as preference capital.

Power to purchase additional lands. 8. The Undertakers may from time to time, by agreement, acquire on lease, and, subject to the provisions of section five of "The Gasworks Clauses Act, 1871," may hold, for any of the purposes of this Order, such of the lands delineated on the deposited plans as may be required for such purposes.

A.D. 1876.

9. The Undertakers shall not in addition to the lands described in the schedule to this Order annexed acquire or hold under the authority of this Order more than three acres of land.

Flint.

Undertakers to take limited quantity of land only.

PART I.

5

GAS.

10. The provisions of "The Gasworks Clauses Act, 1847," and "The Gasworks Clauses Act, 1871," are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order, and the said provisions shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this part of this Order.

Incorporation.

15

Maintenance and Continuance of Gasworks, Manufacture and Sale of Gas, Coke, and Residual Products.

11. The Undertakers on the lands shown on the deposited map, and described in the schedule to this Order annexed, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas, and matters producible therefrom; and they may, subject to the provisions of this part of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may maintain and continue gasworks on lands described in schedule, and may make and sell gas, &c.

Provided always, that the Undertakers shall not manufacture gas except upon lands described in Part I. of the said schedule; and they shall not store gas except upon the lands described in Part II. of the said schedule, without the consent required by section five of the Gasworks Clauses Act, 1871.

Quality of Gas.

12. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of "The Gasworks Clauses Act, 1871."

Quality of gas.

Price of Gas.

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed six shillings and eightpence per one thousand cubic feet.

Price of gas.

[195.]

F 3

A.D. 1876.

*Pressure of Gas.**Flint.*

Pressure of gas.

14. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height, at the main as near as may be to the junction therewith of the service pipe supplying such consumer. 5

Testing of Gas.

Test meter.

15. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their gasworks a testing place, with apparatus therein, according to the provisions of "The Gasworks Clauses Act, 1871;" and the burner to be used for testing the gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under "The Gasworks Clauses Act, 1871," for the purposes of this part of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. 15 20

Miscellaneous.

No penalty in case of unavoidable cause.

16. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them, in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. 25

Undertakers to pay interest on deposit.

17. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any gas meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. 30

PART II.

WATER.

Incorporation.

18. The provisions of the Waterworks Clauses Acts, 1847 and 1863, are hereby incorporated with this part of this Order, except where the same are expressly varied by this part of this Order, and the said provisions shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this part of this Order. 35 40

A.D. 1876.

Flint.

Interpretation.

19. The expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this part of this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

The term "premises" in this part of this Order shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this part of this Order.

20. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

Undertakers
may acquire
easements, &c.
by agreement.

Maintenance of existing and Construction of additional Waterworks.

21. The Undertakers may from time to time, as they think fit, maintain, continue, and use their existing waterworks and works connected therewith, and may make and maintain in the line and according to the levels shown on the deposited plans and deposited sections the additional works herein-after described, with all needful pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this part of this Order, supply and sell water within the limits of supply.

Power to main-
tain existing
works, and to
construct addi-
tional works.

22. The works authorised by this part of this Order are as follows:

1. A pipe or aqueduct commencing in land numbered 326 on the deposited map of the parish of Flint, and passing through number 281, and terminating in a junction with the filter beds and reservoirs on land marked number 280 on the said map:
2. A reservoir and filter bed to be constructed on land numbered 280 on the said map, and with all suitable receptacles for receiving, filtering, and discharging water, and all necessary pumps, lifts, shafts, engines, and buildings:
3. A pipe or aqueduct commencing in land numbered 280 on the said map marked conduit number 1, and terminating in a junction with conduit number 2 on the said map in the Lower King's Ferry turnpike road:
4. A pipe or aqueduct commencing at the junction of conduit number 1 with conduit number 2 in the said turnpike road, and terminating in a junction with the existing water pipes of the Undertakers in the borough of Flint, at or near point marked A on the deposited plans:
5. All needful pipes and other works for the collection, distribution, and supply of water by the said works.

22. In constructing the additional works authorised by this part of this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may

Limits of
deviation.

A.D. 1876.

*Flint.*Period for
completion of
works.

deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

23. The additional works authorised by this part of this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this part of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply. 10

Quality of Water.

Quality of
water.

24. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Supply.

Limits of
pressure.

25. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service tank or works authorised by this part of this Order. 15

Rates for
supply for
domestic pur-
poses.

26. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled under the provisions of this part of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the annual rates herein-after specified; (that is to say,) 20

Where the annual value or rent of the house, or part of a house or premises supplied shall not exceed five pounds, the yearly rent of eight shillings. 25

Where the annual value or rent shall exceed five pounds and shall not exceed seven pounds, the yearly rent of eight shillings.

Where the annual value or rent shall exceed seven pounds but shall not exceed ten pounds, the yearly rent of twelve shillings.

Where the annual value or rent shall exceed ten pounds but shall not exceed fifteen pounds, the yearly rent of twenty shillings. 30

Where the annual value or rent shall exceed fifteen pounds but shall not exceed twenty pounds, the yearly rent of thirty shillings.

Where the annual value or rent shall exceed twenty pounds and upwards, a yearly rent at the rate of seven and a half per cent. on annual value or rent. 35

Rates for
waterclosets
and baths.

27. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum, and such additional sums may be received with, and as part of, or recovered by the same means as, the rate for the supply of water for domestic purposes: Provided always, that for baths containing as usually filled for use a greater quantity of water than fifty gallons the Undertakers may charge an increased rate in proportion to the size of such baths. 40 45

28. The Undertakers shall, if required so to do by the corporation of Flint, supply with water public fountains or drinking places in the borough of Flint, for a sum to be agreed upon per annum.

Flint.
Supplying
water for
public foun-
tains or drink-
ing places.
Water supplied
by agreement.

29. The Undertakers may from time to time supply any person, corporation, 5 or company with water for other than domestic purposes for such remuneration and upon such terms and conditions as shall be agreed upon between the Undertakers and such person, corporation, or company; but, notwithstanding any such agreement, no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that 10 the same would interfere with the proper supply of water for domestic purposes under this part of this Order; and every such agreement shall be, by virtue of this part of this Order, determinable by the Undertakers on one month's notice in writing.

30. The Undertakers may, if they think fit, enter into agreements for the 15 supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per cent. of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Supply of
water by meter.

31. The Undertakers shall at all times, at their own expense, keep all meters 20 or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water; and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace 25 any such meter or other instrument at all reasonable times.

Undertakers
to keep meters
in repair.

32. Where water is supplied by measure the register of the meter or other 30 instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed, and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties.

Register of
meters to be
evidence.

33. Section forty-four of "The Waterworks Clauses Act, 1847," shall, for 35 the purposes of this part of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said 40 section may be deducted by such occupier from any rent from time to time due by him to such owner.

Amendment of
10 & 11 Vict.
c. 17. s. 44.

34. When several houses or parts of houses in the occupation of several 45 persons shall be supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such

When several
houses supplied
by one pipe,
each to pay.

A.D. 1876. *Flint.* several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a house unless the water rate is paid for the whole of such house and premises. 5

Supply of water to tenements in a row. 35. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this part of this Order for a supply of water. 10

Penalties.

Impurity of water. 36. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this part of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident. 15

Injuring meters. 37. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. 20 25 30 35

Misuser where supply to several houses is by a pipe common to all. 38. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this part of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. 40

Miscellaneous.

Incoming tenant not liable to pay arrears. 39. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them 45

the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

A.D. 1876.

Flint.

40. Any summons or warrant issued for any of the purposes of this part of this Order may contain, in the body thereof or in the schedule thereto, several names and several sums.

Several names in one summons.

41. Any justice who issues a warrant of distress in pursuance of the provisions of this part of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Warrant of distress to include costs.

42. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this part of this Order by reason of his being liable to the payment of any water rate or other charge under this part of this Order.

Liability to water rate not to disqualify justices from acting.

PART III.

GENERAL PROVISIONS APPLYING TO GAS AND WATER UNDERTAKINGS.

43. The Undertakers shall have power to sell or dispose of all or any part of their interest in the undertaking authorized by this Order to any person or persons, corporation, or other public body they may deem fit: Provided always, that the offer to purchase shall first be made to the Corporation of Flint at a price to be agreed on between them and the Undertakers, and in case of dispute as to the amount of the purchase-money, the same shall be ascertained by reference to arbitration in manner provided for by the Common Law Procedure Act, 1854: Provided also, that the Corporation of Flint may, at any time, on giving six months' notice in writing to the Undertakers, purchase and take the whole of the said undertaking in manner aforesaid, and the Undertakers shall sell the same to the said Corporation accordingly.

Power to sell undertaking.

44. If any difference arises between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power to cross under the authority of this Order, for the purposes of meeting the demands for gas or water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

As to pipes crossing the works of a railway or other company.

45. In laying down any mains or pipes, or in executing any works under or in exercise of the powers conferred by the Flint Gas and Water Order confirmed by this Act across the Chester and Holyhead Railway of the London and North-western Railway Company, or any lands or property belonging to or used or occupied by that company, or any of the bridges or other works of such railway, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company, and in all things at the expense of the Undertakers, and so as not to cause any injury

For protection of London and North-western Railway Company.

A.D. 1876.

Flint.

to such railway, bridges, works, lands, or property, or interruption to the passage or conduct of the traffic over such railway, or at any station thereof, and if any injury shall arise to such railway, bridges, works, lands, or property, or interruption to such traffic, by bursting or leakage of any of the reservoirs, mains, pipes, or works of the Undertakers, they shall make full compensation 5 to that company in respect of such injury or interruption, and such mains or pipes shall for their entire length across the said railway be carried in the centre of the road long which the same shall pass, and shall be maintained and renewed by and at the expense of the Undertakers to the reasonable satisfaction and under the superintendence of such engineer, and 10 the Undertakers shall save harmless and keep indemnified that company from and against all costs, charges, damages, and expenses, claims, and demands which may be paid, sustained, or made by or against them by reason of any liability of or obligation by them, or by the Chester and Holyhead Railway Company, to maintain any streets, roads, or works situate within the borough 15 of Flint and within the limits of supply, as well for gas as water, which may be broken up or interfered with by the Undertakers or their contractors, or their respective servants or workmen, for the purposes of executing any works under or in exercise of the powers conferred by the said Order, or otherwise howsoever. 20

Saving of existing contracts.

46. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks or waterworks of, or the supply of gas or water by the Undertakers.

Incorporation of section 140 of "The Companies Clauses Act, 1845."

47. Section one hundred and forty of "The Companies Clauses Consolidation Act, 1845," shall be and is hereby incorporated with this Order: Provided that, 25 for the purposes of such incorporation, the expression "the Company" in the said section shall mean the Undertakers.

Costs of Order.

48. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation 30 thereto, shall be paid by the Undertakers.

SCHEDULE.

1. LANDS TO BE USED FOR MANUFACTURE OF GAS.

Lands in the parish of Flint, bounded on the north by the Holywell Road, on the south and east by land belonging to Edward Bate, Esquire, and on the 35 west by land and buildings belonging to John McCallum.

2. LANDS TO BE USED FOR STORAGE OF GAS.

Lands in the parish of Flint, bounded on the north side by the Holywell Road, on the south and east by land belonging to Edward Bate, Esquire, and on the west by land and buildings belonging to John McCallum. 40

Gas and Water Orders
Confirmation
(Chapel-en-le-Frith, &c.)
[H.L.]

A

B I L L

INTITULED

An Act for confirming certain Provisions
Orders made by the Board of Trade under
the Gas and Water Works Facilities Act
1870, relating to Chapel-en-le-Frith Gas
Cromer Gas, Hythe and Sandgate Gas
Poole Gas, Neath Water, Newbury Water
Wantage Water, Connah's Quay Gas and
Water, and Flint Gas and Water.

(Brought from the Lords 13 June 1876.)

*Ordered, by The House of Commons, to be Printed,
15 June 1876.*

[Bill 195.]

Under 7 oz.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under “The General Police and Improvement (Scotland) Act, 1862,” relating to the Burgh of Lerwick. A.D. 1876.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty’s Principal Secretaries of State, has under the provisions of “The General Police and Improvement (Scotland) Act, 1862,” duly made the Provisional Order which is contained in the Schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed :

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Order contained in the Schedule to this Act annexed shall be and is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation
of Provisional
Order.

2. This Act may be cited as “The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Lerwick) Act, 1876.” Short title.

A.D. 1876.

SCHEDULE

LERWICK.

General Police and Improvement (Scotland) Act, 1862.

(25 & 26 Vict. c. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is inter alia provided (clause 79), that whenever it appears desirable to the magistrates and council of any royal or parliamentary burgh, or to the Commissioners for executing that Act in any burgh, that provision should be made in order the better to apply and execute therein the provisions of the said Act in whole or in part, or for the future application and execution of any Acts in force therein having relation to the purposes of that Act, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh, or that any such Acts or any exemptions from rating therefrom derived should be wholly or partially repealed or altered, the magistrates and council or the Commissioners of such burgh may present a petition to one of Her Majesty's Principal Secretaries of State praying for such provision, repeal, and alteration as aforesaid, or for any of such things, and that after such inquiry as the said Secretary of State may direct, it shall be lawful for him to issue a Provisional Order under his hand and seal of office, in relation to the several things mentioned in such petition, either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite :

And whereas the town of Lerwick was in virtue of the Act 35th George III. cap. 122, created a burgh of barony, under a Royal Charter of erection which was sealed on the twenty-second day of January one thousand eight hundred and eighteen, and written to the seal, and registered on tenth February one thousand eight hundred and eighteen :

And whereas by the said charter of erection, provision was made for the election of two bailies, nine councillors, and a town clerk, in the way and manner therein prescribed, and for other purposes connected with the management of the said burgh :

And whereas, in the year one thousand eight hundred and sixty seven, the General Police and Improvement (Scotland) Act, 1862, was adopted in nearly all its parts and clauses by the householders of the said burgh, and the bailies and councillors elected under the provisions of the said charter of erection were declared to be the magistrates and commissioners of police respectively of the said burgh :

A.D. 1876.

And whereas in consequence of certain misapprehensions as to the effect of "The Ballot Act, 1872," and of the provisions of the said charter in regard to the qualifications of persons entitled to vote as burgesses at the triennial election of the bailies, councillors, and town clerk of the said burgh in September one thousand eight hundred and seventy-four, the bailies then elected declined to accept office or to act, and the burgh is at present without magistrates to administer the provisions of the said charter and Act of Parliament, or to conduct the proceedings prescribed with reference to the next triennial election of bailies, councillors, and town clerk, and the said burgh will thus, unless a remedy be provided, be thereafter left without bailies and councillors, magistrates, and commissioners of police :

And whereas it is expedient to make further provision for the management and administration of the municipal and police affairs of the said burgh :

And whereas under the provisions of the said General Police and Improvement (Scotland) Act, 1862, a petition has been addressed to me, as one of Her Majesty's Principal Secretaries of State, by the town council and commissioners of police of the said burgh, praying that after the inquiry directed by the said-Act a Provisional Order may be issued making further provision for the management and administration of the municipal and police affairs of the said burgh :

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition I have resolved to grant the prayer thereof :

Now, therefore, in pursuance of the powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand and seal of office, direct that from and after any Act of Parliament confirming the same,—

1. The provisions and regulations of the charter of erection of the burgh of barony of Lerwick, in regard to the qualification and election of magistrates and town council, and the qualification of electors or burgesses, and the appointment of town clerk shall cease and determine and be of no force or effect.
2. From and after the first Tuesday of November 1876 the burgh of Lerwick shall have twelve councillors who shall have all the rights, powers, and duties of town councillors elected under the said charter, and who shall also be commissioners of police under the General Police and Improvement (Scotland) Act, 1862, and any other Act amending the same, whereof one shall be senior and two shall be junior bailies, and also magistrates of police under the said last-mentioned Act, and the qualifications of all persons entitled to vote at an election of or to be elected as councillors foresaid, the election of magistrates, and the manner and rotation in which said magistrates and councillors shall retire from office, shall be in all respects similar to that set forth for

A.D. 1876.

- magistrates and commissioners of police in the said last-mentioned Act, or any Act amending the same; and the clerk appointed by the said magistrates and council in their capacity of commissioners of police under the 67th clause of the said Act, shall be town clerk of the said burgh, with all the powers and duties of the town clerk elected under the provisions of the said charter of erection; provided always, that nothing herein contained shall imply that the said clerk shall be entitled to hold office for a longer time or in any other way than is appointed by the provisions of the said Act. 5
3. Not later than the fifteenth day of October in the year 1876 and in every year thereafter the town clerk shall make up and complete a list or roll of all electors within the burgh qualified as aforesaid, and shall intimate by a notice in some newspaper published or circulated within the burgh, or by notices posted on the market cross and door of the parish church, that the said list or roll has been completed, and that the same will be open for inspection within the town clerk's office or other suitable place within the burgh, and that objections, if any, thereto, or claims to be entered thereon, must be lodged with the town clerk within eight days thereafter, which notice as aforesaid shall also specify the place, day, and hour fixed for the hearing of such objections and claims. And the first lawful day after the expiry of the foresaid eight days at 12 o'clock noon of the day, and within the sheriff court room or other convenient place within the burgh, the sheriff or salaried sheriff-substitute, failing whom the magistrates, any two of whom shall be a quorum, shall hear and determine all objections and claims lodged as aforesaid, and his or their decision shall be final, and not subject to review on any ground whatever; and such list or roll as adjusted by him or them shall be authenticated by the town clerk, and shall be the register of persons entitled to vote at the election of councillors and commissioners of police for the burgh, which shall take place between the thirty-first day of October in the year in which such register shall have been made up to the first day of November in the succeeding year: Provided always, that nothing herein contained shall imply that any householder disqualified by the provisions of section 5 of the General Police and Improvement (Scotland) Act, 1862, Amendment Act, by being exempted from payment of, or who have not paid their rates or assessments under the said General Police and Improvement (Scotland) Act, 1862, or any Act amending the same, shall be entitled to have his name put on the said register of voters, or to vote or be elected at any election of councillors and commissioners of police aforesaid; and in order that the town clerk may be enabled to give effect to the aforesaid disqualification, the collector of assessments appointed by the magistrates and councillors in their capacity of commissioners of police, shall, not later than the fourth day of October, annually make up and deliver to the town 10
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clerk a list of all persons who may be so exempted, or who have not paid their rates or assessments aforesaid, as at the thirtieth day of September immediately preceding. A.D. 1876.

5 4. All persons entered in the said register shall be qualified to be elected and to act as town councillors and commissioners of police, and that so long only as they possess the qualification which entitled their names to be entered on said register ; provided always, that no person shall be entitled to be elected as a councillor or commissioner unless he shall reside within the burgh or within seven statute miles of some part thereof.

10 5. In all matters having reference to the nomination of candidates for the office of councillors and commissioners of police, and to the taking of the poll, the proceedings at all elections to take place in virtue hereof shall be conducted in the manner prescribed by the Ballot Act, 1872, or any other Acts passed or that may hereafter be passed regulating the nomination of candidates and taking of the poll in burghs that have adopted the General Police and Improvement (Scotland) Act, 1862.

15 -6. At the first election of councillors and commissioners of police in virtue hereof which shall take place on the first Tuesday of November 1876
20 when the whole councillors now in office shall cease to hold office both as councillors and as commissioners of police, anything in the said charter of erection or the said first-recited Act to the contrary notwithstanding, twelve councillors and commissioners of police shall be elected ; and all future elections shall take place on the first Tuesday
25 of November annually thereafter, the said magistrates and councillors always retiring in the order prescribed in the General Police and Improvement (Scotland) Act, 1862, and in the same manner and order as if the first election held in virtue hereof were a first election of commissioners of police under the said first-recited Act and some person
30 appointed by the town council at a meeting to be held for that purpose, whom failing, the town clerk or clerk to the commissioners of police shall perform and he is hereby authorised to perform the duties of presiding or returning officer at the election to take place in terms hereof on the first Tuesday of November 1876, and shall have all the necessary
35 powers for that purpose.

7. Whereas the Act passed in the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two, intituled " An Act
40 " to render more effectual the Police in counties and burghs in Scotland," does not extend to Shetland, and the circumstance of the said burgh are otherwise special, the magistrates and council acting as commissioners of police may, in order the better to carry out police regulations within the said burgh, and they are hereby authorised, by a resolution at a meeting to be held for that purpose, to adopt the police clauses of the said General Police and Improvement (Scotland) Act, 1862, (being
45 clauses 114 to 125 inclusive) but no such resolution shall be valid unless a month's previous notice of the meeting and the purpose thereof

A.D. 1876.

has been given in the manner in which notices of meetings of the said magistrates and council acting as aforesaid are usually given, nor unless two thirds of the members present at the meeting concur in the resolution; and the said clauses when so adopted shall apply to the said burgh notwithstanding that the population thereof did not at the last census amount to seven thousand or upwards, inhabitants, anything in the said recited Act to the contrary notwithstanding. 5

8. The commissioners of police of the said burgh may and they are hereby authorised to establish a cattle market within the said burgh, and shall be empowered to levy and take market dues upon all cattle brought or offered for sale within the said burgh, such market to be established and dues levied in terms hereof and of clause 364 of the General Police and Improvement (Scotland) Act, 1862, and the provisions of "The " Markets and Fairs Clauses Act, 1847," incorporated therewith. The word "cattle" herein shall have the same meaning as is assigned to it in clause 3 of the first-recited Act. 10
9. Except in so far as the charter of erection of the said burgh is hereby repealed, or is inconsistent herewith, or with the first-recited Act or Acts amending the same, the said charter shall remain in full force and effect. 20
10. No acts done by the present town council and commissioners of police during their term of office shall be liable to any objection at any time hereafter on the ground of any alleged irregularity of their election, or there being no magistrates within the burgh during said term of office, or on account of the deficiency in their number, or for any other alleged informality whatsoever in their election. 25
11. Section six, subsection three of The Zetland Roads Act, 1864, shall be and is hereby amended so as to read as follows: Four members of the town council of Lerwick to be elected in the manner herein-after provided. 30

Given under my hand and seal at Whitehall this sixteenth day of
 June one thousand eight hundred and seventy-six.

RICH. ASSHETON CROSS.



General Police and
Improvement (Scotland)
Provisional Order
(Lerwick). [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order
under “The General Police and Im-
provement (Scotland) Act, 1862,”
relating to the Burgh of Lerwick.

(*Brought from the Lords 7 July 1876.*)

*Ordered, by The House of Commons, to be Printed,
7 July 1876.*

[Bill 242.]

Under 1 oz.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Paisley. A.D. 1876.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has under the provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Order which is contained in the Schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Order contained in the Schedule to this Act annexed shall be and is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation of Provisional Order.

2. This Act may be cited as "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Paisley) Act, 1876." Short title.

2 *General Police and Improvement (Scotland) [39 & 40 VICT.]*
 Provisional Order Confirmation (Paisley).

A.D. 1876.

S C H E D U L E.

PAISLEY BURGH PETTY CUSTOMS.

General Police and Improvement (Scotland) Act, 1862.

(25 & 26 Vict. c. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, 5
(herein-after called "The Police Act"), it is, inter alia, provided (clause 79),
that whenever it appears desirable to the magistrates and council of any
royal or parliamentary burgh, or to the Commissioners for executing that
Act in any burgh, that provision should be made in order the better to apply
and execute therein the provisions of the said Act in whole or in part, or for 10
the future application and execution of any Acts in force therein having relation
to the purposes of that Act, or to any other matter or thing connected with
the management and administration of the municipal or police affairs of such
burgh, or that any such Acts or any exemptions from rating therefrom
derived should be wholly or partially repealed or altered, the magistrates 15
and council or the commissioners of such burgh may present a petition to
one of Her Majesty's Principal Secretaries of State, praying for such provision,
repeal, and alteration as aforesaid, or for any of such things; and that, after
such inquiry as the said Secretary of State may direct, it shall be lawful for
him to issue a Provisional Order, under his hand and seal of office, in relation 20
to the several things mentioned in such petition, either in accordance with
the prayer thereof, or with such modifications or alterations as may appear
to him to be requisite :

And whereas the powers and provisions of the Police Act were adopted
in whole in and with respect to the whole of the parliamentary burgh of 25
Paisley, in the county of Renfrew, within the boundaries thereof as defined
in the Public Act 2 & 3 William IV., chapter 65, by virtue of a resolution
of a meeting of the householders in the said burgh, held under the provisions
of the Police Act, upon the 24th day of March 1864, and of a deliverance by
the sheriff of the said county following thereon, dated and recorded in the 30
books of the said burgh on the 26th day of same month and year, and also
recorded in the Sheriff Court books of the said county at Paisley, on the 2nd
day of April following; and the provost, magistrates, and town council of the
said burgh are, under the Police Act, the Commissioners for carrying the same
into operation as regards such burgh, and levy, under the powers of that Act, 35
an assessment or rate for police purposes upon the lands and premises within
the boundaries of the said burgh defined as aforesaid :

And whereas the provost, magistrates, and town council of the said
burgh, as the municipal corporation of that burgh, and as Commissioners for

A.D. 1876.

executing the Police Act therein, have presented a petition to me, as one of Her Majesty's Principal Secretaries of State, setting forth—That by virtue of Royal Charters and immemorial usage, the provost, magistrates, and town council of the said burgh have right to levy, and do accordingly levy, within that portion thereof which was originally formed into a burgh of barony (herein-after called "the original burgh") certain imposts or customs upon meal, cheese, fruit, animals, fish, butter, eggs, milk, potatoes, and other commodities brought into or exposed for sale within the original burgh; as also that by the Public Act 33 & 34 Victoria, chapter 42 (herein-after called "The Petty Customs Abolition Act"), provision was made for enabling the magistrates and council of any royal, parliamentary, or other burgh in Scotland, as defined by the word "burgh" in the Police Act, in which petty customs had theretofore been levied or leviable, to abolish such petty customs or part of them, and that in lieu thereof there should be levied by way of assessment in such burgh, either as a separate rate or as a part of and in addition to and under the same conditions and subject to the same restrictions and exemptions as any police or burgh rate levied or leviable within such burgh, a rate calculated to yield in the whole in the year an amount equal to the net yearly amount of such petty customs, or part of them, but not exceeding in the whole for any one year the amount of threepence in the pound on the valuation of the assessable property within the boundaries of such burgh; and that the boundaries of any such burgh within which any such rate in lieu of petty customs shall be levied or leviable shall be the boundaries within which the assessment and rate for police purposes of such burgh shall be levied or leviable; provided that such rate shall not be levied or leviable beyond the boundaries of any burgh within which such petty customs had been levied previously to the passing of the said Act; as also that it is expedient to abolish the petty customs leviable by the said provost, magistrates, and town council as aforesaid, and that a sum equal to the net yearly amount thereof should be levied by way of assessment on the lands and premises within the boundaries of the said parliamentary burgh, along with and in addition to the rate for police purposes therein; but doubts have arisen whether the provisions of the Petty Customs Abolition Act are sufficient to enable the said provost, magistrates, and council to levy such assessment within the part of the said parliamentary burgh which is beyond the boundaries of the original burgh within which the said petty customs have heretofore been levied; and therefore praying that I should issue a Provisional Order for amending the Petty Customs Abolition Act to the effect of enabling them to do so:

And whereas, due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof:

Now therefore, in pursuance of the powers vested in me by the Police Act, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same,—

The provost, magistrates, and town council of Paisley may, if they think fit, resolve, after notice and by the majority prescribed by the Petty Customs Abolition Act to the effect of enabling them to do so:

4 *General Police and Improvement (Scotland) [39 & 40 Vict.]*
Provisional Order Confirmation (Paisley).

A.D. 1876. tion Act, that from and after any subsequent date to be specified in such resolution, the petty customs leviable by them as aforesaid, or any specified part thereof, shall be abolished; and in the event of their so resolving, such petty customs or such specified part thereof shall, from and after the date so specified, be wholly abolished; and the said provost, magistrates, and town 5 council may in lieu thereof levy, by way of assessment upon all lands and premises within the boundaries of the parliamentary burgh of Paisley liable to the assessment or rate for police purposes under the Police Act, along with and in the same manner and subject to the same provisions, restrictions, and exemptions as are applicable to that assessment or rate, an additional rate cal- 10 culated to yield in the whole in the year an amount equal to the net yearly amount of the petty customs or part thereof so abolished, but not exceeding in the whole for any one year the amount of threepence in the pound sterling on the valuation of the assessable property within the said boundaries; and such additional rate shall be applicable to the same purposes as the petty 15 customs or part thereof in lieu of which the same shall be leviable as aforesaid; but nothing in this order shall affect any of the provisions contained in the third section of the Petty Customs Abolition Act, which shall be held as embodied in this Order.

Given under my hand and seal at Whitehall, this twelfth day of 20
June one thousand eight hundred and seventy-six.

(L.S.) RICH. ASSHETON CROSS.

Improvement (Scotland)
Provisional Order
Confirmation (Paisley).
[H.L.]

A

BILL

INTRODUCED

An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Paisley.

(Brought from the Lords 6 July 1876.)

*Ordered, by The House of Commons, to be Printed,
6 July 1876.*

[Bill 235.]

Under 1 oz.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Perth. A.D. 1876.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has under the provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Order which is
5 contained in the Schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed :

Be it enacted by the Queen's most Excellent Majesty, by and
10 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Order contained in the Schedule to this Act annexed shall be and is hereby confirmed, and all the provisions
15 thereof shall, from and after the passing of this Act, be valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation of Provisional Order.

2. This Act may be cited as "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Perth) Act, 1876." Short title.

2 *General Police and Improvement (Scotland) [39 & 40 VICT.]*
 Provisional Order Confirmation (Perth).

A.D. 1876.

SCHEDULE.

PROVISIONAL ORDER UNDER "THE GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862," ROYAL BURGH OF PERTH.

WHEREAS by "The General Police and Improvement (Scotland) Act, 1862," (herein-after called "the recited Act"), it is, inter alia, enacted, clause 79, that "Whenever it appears desirable to the magistrates and council or Commissioners of Police of any royal or parliamentary burgh, or to the Commissioners 5
" for executing this Act in any burgh or populous place, that provision should
" be made in order the better to apply and execute therein the provisions of
" this Act in whole or part, or for the future application and execution of
" any Acts in force therein having relation to the purposes of this Act, or to 10
" the roads or streets within such burgh or populous place, or to any other matter
" or thing connected with the management and administration of the municipal
" or police affairs of such burgh or populous place, or that any such Acts, or
" any exemptions from rating therefrom derived, or that any Provisional Order
" or Order in Council applying this Act hereby authorised to be made should 15
" be wholly or partially repealed or altered," the magistrates and council " may
" present a petition to one of Her Majesty's Principal Secretaries of State
" praying for such provision, repeal, and alteration as aforesaid, or for any of
" such things, and such petition shall be supported by such evidence as the said
" Secretary requires," and that on the receipt of any such petition the Secretary 20
of State may direct an inquiry in the district, and may issue a Provisional
Order in relation to the several things mentioned in such petition, either in
accordance with the prayer thereof, or with such modifications or alterations
as may appear to him to be requisite.

And whereas the recited Act has been adopted in the royal burgh of Perth, 25
and the magistrates and council of the said burgh are the Commissioners of
Police for executing the recited Act in the said burgh (herein-after called "the
" Commissioners").

And whereas a petition under the provisions of the recited Act has been
presented to me as one of Her Majesty's Principal Secretaries of State by the 30
Commissioners, setting forth—(1) clause 79 of the recited Act before quoted;
(2) that by clause 161 of the recited Act it is enacted, that "the Commis-
" sioners may, at a meeting to be held for the purpose, resolve to acquire lands
" or premises within the burgh for the purpose of widening, enlarging, or other-
" wise improving any of the streets, and they may resell any parts of such lands 35
" or premises which shall not be required for such purposes, and they may also
" drain, repair, or otherwise improve courts and places where there may be
" doubt as to the liability of owners to execute such works; and in localities
" within the burgh when houses or other buildings are, in the opinion of the

A.D. 1876.

“ Commissioners, built too close to each other, or have become waste and ruinous,
“ or are liable to other objections on sanitary grounds, it shall also be lawful
“ to the Commissioners to resolve to acquire lands or premises for the purpose
“ of reserving them as vacant spaces, or of improving the buildings, or of other-
5 “ wise disposing of them so as to improve the sanitary condition of such
“ localities; and the expense of such acquisitions and improvements shall be
“ a charge against the general improvement rate herein-before authorised to
“ be levied: Provided always, that the Commissioners may resolve that the
“ same shall be charged as they are hereby empowered to do, against the
10 “ police assessment.” (3.) That by clause 176 of the recited Act it is further
enacted, that “ It shall be lawful for the Commissioners to agree with any
“ person for the making of new streets for the public use through the lands
“ and at the expense of such person, and to agree that such streets shall
“ become, and the same shall accordingly become on completion, public
15 “ streets to be maintained and repaired at the public expense, and it shall
“ be lawful for the Commissioners, with the consent of two thirds of their
“ number, to agree with such person to pay any portion of the expense of making
“ such streets out of the police assessment, and accordingly to pay the same.”
(4.) That it has long been contemplated to open a public street in Perth running
20 from South Street to Canal Street in the line of the passages or closes known
as “ Shuttlefield Close ” and “ Malloch’s Close,” but the execution of the work
has hitherto been delayed from want of the necessary funds; (5.) That the houses
in said Shuttlefield Close and Malloch’s Close are of a very inferior description
and for the most part in a state of dilapidation and unfit for human habitation,
25 and that the removal of the same and other erections in the said closes and the
formation of a street on the site which they occupy would promote the health
of the town and effect a great public improvement; (6.) That almost the whole
of the owners of lands, property, or premises in the said closes in the line of the
intended street were willing to treat for the acquisition by the Commissioners
30 of the property required for the formation of the said intended street on favour-
able terms; (7.) That there is no probability of the owners in the line of the
said intended street making the same; (8.) That were the Commissioners autho-
rised to form the intended street, and any other line of new street, and to pay
all costs and charges out of the general improvement rate of one penny in the
35 pound authorised by the recited Act to be levied, it would enable the Commis-
sioners to carry out the intended new street, which would be a most needful
improvement; and the said petition prayed that a Provisional Order may be
issued providing that the Commissioners may, at a meeting to be held for the
purpose, resolve compulsorily to acquire lands, houses, tenements, subjects, or
40 premises within the said burgh for the purpose of making a new street for
the public use from South Street to Canal Street in the line of Shuttlefield
Close and Malloch’s Close aforesaid, and that the Commissioners may make
said street and may resell any parts of such lands, houses, tenements, subjects,
or premises which shall not be required for such purpose: Provided always,
45 that the Commissioners shall make full compensation to the owners of said
lands, houses, tenements, subjects, or premises by paying them such sums as
may be mutually agreed on as the valuation of the damage the owners may

4 *General Police and Improvement (Scotland) [39 & 40 VICT.]*
 Provisional Order Confirmation (Perth).

A.D. 1876. sustain by the acquirement of the said lands, houses, tenements, subjects, or premises; or that the said compensation may be settled in the same manner as compensation for land to be taken under the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," is directed to be settled, and that the said compensation and the expense of forming the said street should form a charge against the general improvement rate authorised to be imposed and levied under the recited Act: Provided also, that the Commissioners may resolve that the same or any part thereof should be charged, as they are already empowered at any time to do, against the police assessment. 5

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof in so far as it relates to the formation of a public street in Perth, running from South Street to Canal Street, and to the acquiring of lands, houses, tenements, subjects, and premises, and the charging of the expenses to be incurred for that purpose; and a plan of the intended street and of the property proposed to be taken, and a book of reference thereto containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the said property, have been signed by me with reference to this Order, and have been deposited with the sheriff clerk of the county of Perth at his office in Perth. 10 15 20

Now, therefore, in pursuance of the powers vested in me by the recited Act, I, as one of Her Majesty's Principal Secretaries of State, do by this Order, under my hand and seal of office, direct that from and after the passing of any Act of Parliament confirming the same:—

1. The Commissioners may at a meeting to be held for the purpose resolve to acquire compulsorily the lands, houses, tenements, subjects, and premises within the said burgh, shown on the plan and described in the book of reference herein-before mentioned, for the purpose of making a new street for the public use, from South Street to Canal Street, and reselling any parts of such lands, houses, tenements, subjects, or premises so to be acquired by them which shall not be required for such purpose: Provided always, that the Commissioners shall make full compensation to the owners, lessees, and occupiers of the said lands, houses, tenements, subjects, and premises by paying them such sums as may be mutually agreed on, as the valuation of the damage such owners, lessees, and occupiers may sustain by the acquirement of the said lands, houses, tenements, subjects, and premises, or failing such agreement, that the said compensation shall be settled in the same manner as compensation for lands to be taken is directed to be settled under the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," and the said compensation and the expense of forming the said new street shall be a charge against the general improvement rate authorised to be imposed and levied under the recited Act; provided also, that the Commissioners may resolve that the same or any part thereof shall be charged, as they are hereby empowered to do, against the police assessment authorised to be imposed and levied under the recited Act. 25 30 35 40

2. It shall be lawful for the Commissioners to put in force the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands 45

[39 & 40 VICT.] *General Police and Improvement (Scotland)* 5
Provisional Order Confirmation (Perth).

Clauses Consolidation Acts Amendment Act, 1860," with respect to the purchase and taking of lands otherwise than by agreement with reference to the lands, houses, tenements, subjects, and premises shown on the said plan, and described in the said book of reference as aforesaid. A.D. 1876.

- 5 3. With reference to this Order the following expressions in "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall have the meanings hereby assigned to them; that is to say, the expression "promoters of the undertaking" shall mean the Commissioners, and the expression "the special Act" shall mean
10 this Order and the Act confirming the same, and the word "lands" in this Order shall have the meaning assigned to it in "The Lands Clauses Consolidation (Scotland) Act, 1845."

Given under my hand and seal at Whitehall, this twelfth day of June one thousand eight hundred and seventy-six.

RICH. ASSHETON CROSS.



**General Police and
Improvement (Scotland)
Provisional Order
Confirmation (Perth).
[H.L.]**

**A
B I L L**

INTITULED

An Act to confirm a Provisional Order
under "The General Police and Im-
provement (Scotland) Act, 1862,"
relating to the Burgh of Perth.

(Brought from the Lords 6 July 1876.)

*Ordered, by The House of Commons, to be Printed,
6 July 1876.*

[Bill 236.]

Under 1 oz.

Grand Jury Law Amendment (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preliminary.

1. Short title.
2. Commencement of Act.
3. Interpretation.
4. Construction of Act.

Presentment Sessions.

5. Number of associated cesspayers at presentment sessions in counties of cities, counties of towns, and baronies.
6. Justices at baronial sessions.
7. Clerk of the peace to make out list of justices.
8. County at large sessions.
9. Members of presentment sessions to elect chairman.
10. Supply of casual vacancies.

Constitution of Grand Juries.

11. Amendment of law as to grand jury panel in counties.
12. Amendment of law as to grand jury panel in counties of cities and towns.

Miscellaneous.

13. Penalty on sheriff.
14. Modification of Act in relation to county of Dublin.
15. Acts and parts of Acts in schedule B. repealed. No repeal hereby enacted to affect any order made, &c.

SCHEDULES.

A
B I L L

TO

Amend the Law relating to Grand Juries in Ireland.

A.D. 1876.

WHEREAS it is expedient to amend the law relating to grand juries in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

Preliminary.

1. This Act may be cited for all purposes as "The Grand Jury Amendment (Ireland) Act, 1872." Short title.

10 2. This Act shall commence and have effect from the *first day of November one thousand eight hundred and seventy-six.* Commence-
ment of Act.

3. In this Act—

Interpreta-
tion.

15 The expression "the principal Act" shall mean the Act of the session of the sixth and seventh years of his late Majesty King William the Fourth, chapter one hundred and sixteen, intituled "An Act to consolidate and amend the laws relating " to the presentment of public money by grand juries in " Ireland," as the same is amended by any Act or Acts :

20 The expression "governing body," in relation to the several districts mentioned in the second column of the schedule A. to this Act annexed, shall mean the persons or bodies of persons in that behalf described in the third column of the said schedule.

30 4. The principal Act, as amended by this Act, and this Act shall be construed together as one Act. Construction
of Act.

Presentment Sessions.

5. The number of cesspayers to be associated with the justices at presentment sessions to be holden in each county of a city, county
[Bill 80.] Number of
associated
cesspayers at

A

A.D. 1876.

presentment
sessions in
counties of
cities, coun-
ties of towns,
and baronies.

of a town, and barony, under the authority and for the purposes of the principal Act, shall, in relation to such county of a city, county of a town, and barony, be equal to the number of guardians to be elected for each electoral division wholly or partly situate within such county of a city, county of a town, and barony, and 5 all the guardians elected for every such electoral division shall during the term for which they shall have been so elected be associated with the justices at such presentment sessions as aforesaid, and shall for the purposes of the principal Act and of this Act be deemed to be and shall be called the associated cesspayers, and 10 shall have all the powers, authorities, and jurisdiction by the principal Act conferred upon such associated cesspayers.

Justices at
baronial ses-
sions.

6. Notwithstanding anything in the principal Act contained, it shall not be lawful for any justice of the peace to attend at any presentment sessions to be held in and for any barony in any 15 county, or for any county of a city or county of a town, unless he is seised or possessed of lands, tenements, or hereditaments situate within such barony, county of a city, or county of a town, or unless he is the land agent of some person having in such barony, county of a city, or county of a town, freehold or leasehold 20 lands.

Clerk of the
peace to
make out
list of
justices.

7. The clerk of the peace of each county in Ireland shall, on or before the *twenty-fifth day of March* in each year, make out for each barony in such county a list of the justices of the peace for such county, and of their respective addresses, qualified under the 25 provisions of this Act, to attend at presentment sessions in and for such barony, and shall on or before such day transmit the same to the secretary of the grand jury of such county.

The clerk of the peace of each county of a city or county of a town in Ireland shall, on or before the *twenty-fifth day of March* in each year, make out a list of the justices of the peace of such county of a city or county of a town, qualified under the provisions of this Act to attend at presentment sessions in and for such county of a city or county of a town; and shall on or before such day transmit the same to the secretary of the grand jury of 35 such county of a city or county of a town.

Where, at any such presentment sessions, the number of justices qualified and attending exceeds the number of associated cesspayers prescribed by this Act to attend at such presentment sessions, then only such number of such justices as is equal to the number of 40 associated cesspayers prescribed as aforesaid shall take part in the

A.D. 1876.
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proceedings at such presentment sessions. The justices who shall take part in such proceedings shall be elected by a majority of the justices then present, and every such justice shall be entitled to vote for a number of justices equal to the number of associated cesspayers then present.

The justices present as aforesaid shall choose one of their number to preside and take the poll at such election, and such chairman shall have in addition to his votes a casting vote in case of an equality of votes.

- 10 8. The justices and associated cesspayers assembled at presentment sessions in each barony shall, on the first occasion of their meeting at presentment sessions in such barony after the *twenty-fifth day of March* in each year, proceed to elect from amongst the number of persons qualified to attend at such presentment sessions
15 one of the associated cesspayers and one of the justices to represent such barony, and to attend at the presentment sessions to be holden for the county in which such barony is situated under the authority and for the purposes of the principal Act in the county court-house, in respect of business relating to the county at large; at
20 such election the chairman shall preside and take the poll, and every member of such presentment sessions shall be entitled to vote for one associated cesspayer and for one justice, and the associated cesspayer and the justice obtaining the majority of such votes shall be declared elected for the purposes aforesaid. The chairman
25 shall have in addition to his votes a casting vote in case of equality of votes for an associated cesspayer or justice.

County at
large ses-
sions.

- Each of the several governing bodies of the districts mentioned in the second column of the schedule A. to this Act annexed shall, at their first meeting after the *twenty-first day of November* in each
30 year, proceed to elect from amongst the members of such body two persons to represent such district, and to attend at the presentment sessions to be holden for the county or each of the counties in which the same or parts of the same are situated under the authority and for the purposes of the principal Act in the county court-house, in
35 respect of business relating to the county at large.

At such election the chairman of the meeting shall preside and take the poll, and every member of such governing body then present shall be entitled to vote for two candidates, and the candidates obtaining the majority of votes shall be declared duly elected.

- 40 The chairman shall have in addition to his votes a casting vote in case of an equality of votes between any two candidates.

The persons so elected and no others shall be qualified to attend at such presentment sessions respectively for such counties (in this

A.D. 1876. Act referred to as "county at large sessions") during the ensuing year to be computed from such *twenty-first day of November*, and immediately upon their election the persons previously elected shall go out of office; provided always, that in every case the persons whose terms of office expire on the *twenty-first day of November* in any year shall continue to act until others are elected in their stead, and that any person going out of office shall be eligible for re-election for the ensuing or any subsequent year. 5

At every such election the chairman presiding shall according to the best of his judgment and ability make a true return in writing to the secretary of the grand jury of such county of the persons who shall be elected at such election, and every person who shall be returned by such officer shall be deemed to be legally elected. 10

Members of presentment sessions to elect chairman.

9. The members of each presentment sessions and county at large sessions shall choose one of their number to preside thereat, and such chairman shall have, in addition to his vote, a casting vote in case of an equality of votes. 15

Supply of casual vacancies.

10. If any person elected to attend at county at large sessions in any county under the authority of this Act dies, resigns, or becomes disqualified to attend at such sessions before the expiration of his term of office, and notice of such death, resignation, or disqualification is given by any two cesspayers in such county to the secretary of the grand jury of such county, such secretary shall, as soon as may be thereafter, cause a notice of such death, resignation, or disqualification to be published once in each of two consecutive weeks, in some newspaper circulated within such county, and of an election to fill the vacancy thereby created. 25

Such election shall take place within fifteen days after the date of the first publication in such newspaper of such notice, and the persons qualified to vote at such election shall on the day named in such notice proceed in the manner prescribed to elect a person to supply the vacancy so created. 30

Constitution of Grand Juries.

Amendment of law as to grand jury panel in counties.

11. The rules and regulations which, under the provisions of the principal Act, the sheriff of each county is directed to observe in framing the panel of persons summoned to serve on the grand jury of such county at each assizes, shall be subject to the modifications following; (that is to say,) 35

The sheriff of any county shall not place upon such panel the name of any person who has not in such county freehold lands of the net annual value of *fifty pounds*, or leasehold lands of the net 40

A.D. 1876.

annual value of *two hundred pounds*, as valued under the Acts relating to the valuation of rateable property in Ireland, unless such person shall be the eldest son or land agent of some person absent from such county and having in such county freehold or leasehold
5 lands of such values respectively as aforesaid.

The sheriff of any county shall not be deemed to have duly framed such panel unless amongst the persons taken from such panel to constitute the grand jury or inquest of such county there is for each barony in such county, and for each district mentioned
10 in the second column of the schedule A. to this Act annexed, and situate in such county, some one person being, in respect of lands, tenements, or hereditaments in such barony or district, qualified to serve on such grand jury, or unless, where for any one barony or district there is no such person, the said sheriff can prove that he
15 has duly summoned all the persons qualified as aforesaid in respect of lands, tenements, or hereditaments in such barony or district.

The sheriff of every county shall prepare and submit to the judge of assize at each assizes a detailed statement of the manner in which he has complied with the said regulations, and shall verify
20 the same on oath.

12. The sheriff of any county of a city or county of a town shall not place upon the panel of persons summoned to serve on the grand jury of such county of a city or county of a town the name of any person who has not in such county of a city or county
25 of a town freehold lands of the yearly value of *fifty pounds*, or leasehold lands of the yearly value of *two hundred pounds*, as valued under the Acts relating to the valuation of rateable property in Ireland, unless such person shall be the son or agent of some person absent from such county of a city or county of a town and
30 having in such county of a city or county of a town freehold or leasehold lands of such values respectively as aforesaid.

Amendment of law as to grand jury panel in counties of cities and towns.

13. Any sheriff who makes default in complying with any of the provisions of this Act shall, on proof of such default before the judge of assize, be liable to a penalty not exceeding *five hundred*
35 *pounds*, which such judge is hereby authorised to impose.

Penalty on sheriff.

Miscellaneous.

14. The provisions of this Act shall apply to the county of Dublin, subject to the modifications following :

Modification of Act in relation to county of Dublin.

The expression "the principal Act" shall mean the Act of the session of the seventh and eighth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to con-

A.D. 1876. — “ solidate and amend the Laws for the Regulation of Grand Jury
“ Presentments in the County of Dublin,” as the same is amended
by any Act or Acts.

Acts and
parts of Acts
in schedule B.
repealed.
No repeal
hereby en-
acted to
affect any
order made,
&c.

15. After the commencement of this Act there shall be repealed the several parts of the Acts specified in the schedule B. to this 5
Act annexed, to the extent in the said schedule mentioned: Pro-
vided always, that no repeal hereby enacted shall affect any order
made or any act or thing duly done under or by virtue of any of the
sections hereby repealed.

SCHEDULES.

A.D. 1876.

SCHEDULE A.

Counties.		Districts.		Governing Bodies.
5	Antrim - - -	Belfast - - -	-	} The Mayor, Aldermen, and Burgesses of the borough acting by the Town Council.
	Down - - -	Belfast - - -	-	
10	Dublin - - -	Blackrock - - -	-	The Blackrock Township Commissioners.
	Dublin - - -	Bray - - -	-	} The Bray Township Commissioners.
	Wicklow - - -	Bray - - -	-	
	Dublin - - -	Clontarf - - -	-	The Clontarf Township Commissioners.
15	Dublin - - -	Dalkey - - -	-	The Dalkey Township Commissioners.
	Waterford - - -	Dungarvan - - -	-	The Town Commissioners of Dungarvan.
	Fermanagh - - -	Enniskillen - - -	-	The Commissioners of the borough of Enniskillen.
20	Dublin - - -	Kingston - - -	-	The Commissioners of the township of Kingston.
	Londonderry - - -	Londonderry - - -	-	The Mayor, Aldermen, and Burgesses of the borough acting by the Town Council.
25	Dublin - - -	New Kilmainham - - -	-	The New Kilmainham Township Commissioners.
	Armagh - - -	Newry - - -	-	} The Newry Town Commissioners.
	Down - - -	Newry - - -	-	
30	Dublin - - -	Pembroke Township - - -	-	The Pembroke Township Commissioners.
	Cork - - -	Queenstown - - -	-	The Town Commissioners.
	Dublin - - -	Rathmines and Rathgar - - -	-	The Rathmines Improvement Commissioners.
	Sligo - - -	Sligo - - -	-	The Mayor, Aldermen, and Burgesses of the borough acting by the Town Council.
35				

SCHEDULE B.

Parts of Acts repealed by the foregoing Act :

6 & 7 Will. 4. c. 116. Sections seven, eight, and nine.

7 & 8 Vict. c. 106. Sections sixty-nine, seventy, seventy-one, seventy-three.

Grand Jury Law Amendment (Ireland).

A

B I L L

To amend the Law relating to Grand Juries in Ireland.

(Prepared and brought in by
Mr. Kavanagh, Mr. Gibson, Mr. Ormsby Gore,
and Mr. Mulholland.)

*Ordered, by The House of Commons, to be Printed,
18 February 1876.*

[Bill 80.]

Under 2 oz.

Grand Jury Presentments, &c. (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Powers of grand juries as to fiscal business abolished.
2. Repeal of twenty-ninth and thirty-first clauses of General Grand Jury Act.
3. Repeal of second and third sections of special Act for county Dublin.
4. Representative Councils established in each county.
5. Each barony to elect three.
6. Baronies to be united when more than twelve.
7. Every person rated on last rate to vote.
8. Election regulations.
9. Mode of nomination.
10. Appointment of polling places.
11. Council may make new regulations.
12. Non-resident justices not to attend presentment sessions.
13. Justices of each barony to elect one representative.
14. Provision as to consolidated baronies.
15. Additional members to be elected by boards of guardians and municipal bodies.
16. Commissioners of townships may elect.
17. Representative Councils to be corporations.
18. General courts of magistrates to be held.
19. Powers of Council.
20. Not to make presentments for malicious injury.
21. Meetings of Representative Council.
22. Chairman and vice-chairman to be elected.
23. Appointment of officers.
24. Treasurer of County to continue in office.
25. Appointment of Secretary of Council.

[Bill 22.]

Clause.

26. Appointment of County and district surveyors.
27. Fixing of meetings.
28. Election of finance committee.
29. Duties of finance committee.
30. Chairman of finance committee to be appointed.
31. Orders to be made at meetings of Council.
32. Meetings to be held before assizes.
33. Schedule of votes to be prepared.
34. Expenses of Act to be provided.
35. Orders to be fiatd by judge.
36. Council to meet at assizes.
37. County rate to be struck.
38. Recovery of county rate.
39. Provision as to county of Dublin.
40. Council may stop up roads.
41. Moneys to be paid to credit of County Fund.
42. Mandamus to lie to Council.
43. Orders removable by certiorari.
44. Applications for compensation for malicious injury to be heard
by a grand jury.
45. Proceedings to obtain compensation.
46. Grand jury may present compensation.
47. Presentment to be record of assize court.
48. Presentment may be traversed.
49. Questions may be reserved.
50. Judge to order payment.
51. Presentments for compensation for malicious injuries, &c.
may be removed into Queen's Bench.
52. Appointment of board of superintendence.
53. Provision as to presentment sessions.
54. Associated cesspayers to be elected.
55. Provision as to counties of cities and towns.
56. Provision as to Carrickfergus and Galway.
57. Provisions as to lunatic asylums.
58. Privy Council to determine number of governors.
59. One fourth to be appointed by Lord Lieutenant.
60. Two thirds of the rest to be elected by Council, one third by
justices.

[39 VICT.] *Grand Jury Presentments, &c. (Ireland).*

Clause.

61. Provisions where more than one county contributes.
 62. Provisions as to cities and town corporate.
 63. Number of governors to be such as to accord with these provisions.
 64. Orders may be varied.
 65. Lord Lieutenant may hear objections to orders.
 66. Vacancies in office of governor to be filled up.
 67. Property of grand juries to vest in councils.
 68. Contracts to continue in force.
 69. Qualification of councillors and cesspayers
 70. Duties of Council.
 71. Power of Council to make byelaws.
 72. Byelaws to be approved.
 73. Byelaws may be removed by certiorari.
 74. Penalties to be recovered.
 75. Application of penalties.
 76. Members of Council, &c. not to be interested in any contract, or hold any office of profit, under the Council.
 77. Acts required to be done on a day happening to fall on a Sunday.
 78. Short title of Act.
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A
B I L L

TO

Provide for the better Administration of Public Moneys now levied by Grand Jury Presentment in Ireland, and for the establishment of Representative Councils in the Irish Counties for the management of Local Affairs. A.D. 1876.

WHEREAS it is expedient to make provision for the representation of the ratepayers in the management of the rates and taxes now levied as county rate in Ireland, and for that purpose to institute in each county a Representative Council constituted as herein-after mentioned, and to transfer to such Council the fiscal powers now exercised by the grand jury of such county : Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

1. From and after the first day of November next, it shall not be lawful for any grand jury of any county, county of a city, or county of a town in Ireland to make any presentment for the levying of any cess, rate, or tax, or for the execution of any further work or any other matter relating in any way to the control or management of any of the fiscal business of the said county ; and from and after that day all the powers and duties of the grand jury of any county, county of a city, or county of a town, in relation to presenting and levying of rates or cesses, or any of the matters aforesaid, shall absolutely cease and determine. Powers of grand juries as to fiscal business abolished.

2. From and after the said day, the twenty-ninth and thirty-first sections of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled "An Act to consolidate and amend the laws relating to the presentment of public money by Grand Juries in Ireland," herein-after called the Grand Jury Act, shall be and the same are hereby repealed, and the grand jury of every county shall be selected, summoned, and sworn as if that Act had not been passed. Repeal of twenty-ninth and thirty-first clauses of General Grand Jury Act.

[Bill 22.]

A

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Repeal of
second and
third sections
of special
Act for
county of
Dublin.

Representa-
tive Councils
established
in each
county.

Each barony
to elect
three.

Baronies to
be united
when more
than twelve.

Every person
rated on last
rate to vote.

Election
regulations.

Mode of
nomination.

3. From and after the passing of this Act the second and third sections of an Act passed in the eighth year of the reign of Her Majesty the now Queen, intituled, "An Act to consolidate and amend the laws for the regulation of Grand Jury Presentments in the county of Dublin," shall be and the same are hereby repealed. 5

4. From and after the first day of November next, and at all times thereafter, there shall be in every county in Ireland a Representative Council, to be constituted in manner herein-after mentioned.

5. On the tenth day of October in this present year, and on the same day in every succeeding year, the ratepayers of each barony shall elect in manner herein-after mentioned three fit and proper persons to be members of such Representative Council. 10

6. Provided always, and be it enacted, that as to any and every county in Ireland in which the number of baronies exceeds twelve, the Lord Lieutenant and Privy Council shall, by an Order in Council to be made as soon as conveniently may be after the passing of this Act, direct that any barony in such county, instead of electing a representative, shall, for the purposes of representation in the county council, be annexed to and form part of any adjacent barony; and they shall order and make in every such county such and so many annexations of baronies as shall reduce the entire number of baronies to be represented to twelve; and the ratepayers of any barony to which such order applies shall, for all purposes of the election, be deemed to be ratepayers of the barony to which they are by such order annexed. 15 20 25

7. Every person whose name appears on the last rate for the relief of the poor in any union situate wholly or in part within any barony in respect of premises within any barony shall be deemed to be a ratepayer of such barony within the meaning of this Act. 30

8. On the day in each year appointed for the election, the election for each barony shall be held in the place in which the presentment sessions of the barony are held, and the high constable of the barony shall, at the first election after this Act, be the returning officer, and at all future elections such persons as the Representative Council of the county may appoint. 35

9. Any two ratepayers of the barony may, at any time between ten and twelve on the day of election, by a nomination paper signed by them and delivered to the returning officer, nominate one person 40

or two or three persons to be elected on the Representative Council. A.D. 1876.
If no more than three persons are so nominated the returning officer shall declare the three persons so nominated elected. If more than three persons are nominated, a poll shall be taken, and the poll shall be conducted in the manner provided for municipal elections by the Ballot Act, 1872; and all the clauses and provisions of the said last-mentioned Act, unless where they are inconsistent with this Act, shall apply to the elections hereby directed to be held.

10. At the first election the polling place shall be at the place in which the presentment sessions for the barony are held; provided always, that if any barony has been annexed, there shall be a separate polling place for the ratepayers of such barony at the place in which the presentment sessions of such barony are held. Appointment of polling places.

11. The regulations herein made for the first election shall continue to be in force until the Representative Council shall have made byelaws regulating such elections in manner herein-after mentioned. Council may make new regulations.

12. From and after the passing of this Act no justice of the peace for any county shall be entitled or qualified to sit or vote at any presentment sessions held for any barony, unless he is a resident in such barony, or a ratepayer of same, or is the owner of lands, tenements, and hereditaments for any estate within the same barony producing to him for his own use and benefit a clear income of not less than one hundred pounds a year. Non-resident justices not to attend presentment sessions.

13. At the first presentment sessions held after the fifteenth of September in each year for any barony, the justices assembled at same shall separately elect a person to be a member of the Representative Council of such county. Such person so elected by the justices, and the three persons elected by the ratepayers as herein-before provided, shall be the representatives of the barony at the Council for the ensuing year. Justices of each barony to elect one representative.

14. In any case in which any barony shall have been annexed to another pursuant to the provisions herein-before contained, no election shall be so made at any presentment sessions of the barony so annexed, but all the justices qualified to attend such presentment sessions shall be entitled, for the purposes of the election of a representative, but for such purposes only, to attend and vote at the presentment sessions of the barony to which it is annexed. Provision as to consolidated baronies.

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Additional
members to
be elected by
boards of
guardians
and municip-
al bodies.

15. In addition to the four persons so elected for each barony, the mayor of every city, town, or borough within the county which now is or shall be hereafter incorporated under the provisions of the Acts regulating municipal corporations of Ireland shall be a member of the Representative Council of the county; and the council of every such city, town, or borough shall elect and nominate one other of their body to be, with the mayor, a member of the Representative Council of the county; and the board of guardians of each poor law union situate wholly or in part within the county shall in like manner nominate one person to be a member of the Council; and the town commissioners of every town in which commissioners shall be appointed under any of the Acts in force for the improvement of towns in Ireland, shall also nominate and appoint one of their body to be a member of such Representative Council; all such appointments to be made in each year, at some meeting of the said several bodies duly convened for that purpose.

Commission-
ers of town-
ships may
elect.

16. In the county of Dublin the commissioners of the township of Rathmines shall appoint, in manner herein-before provided for towns corporate in counties, two persons to be members of the county council, and so shall the commissioners of each of the townships of Kingstown, Blackrock, and Pembroke respectively, in like manner appoint two.

Representa-
tive Councils
to be cor-
porations.

17. The several persons so elected and appointed shall, on and after the first of November in each year, be and form the Representative Council of the county for the ensuing year. The Council so elected shall have perpetual succession, by the name and title of the Representative Council of the county for which they are elected. They shall be capable of suing and being sued, shall have a common seal, be capable of holding land, have the power of making byelaws, and have and enjoy and be subject to all such rights, powers, and restrictions as by law belong to municipal bodies corporate.

General
courts of
magistrates
to be held.

18. From and after the passing of this Act, there shall be held in each county from time to time a general court of the magistrates of the county. Such court shall meet statedly four times in each year, on the first Tuesday in each of the months of November, February, May, and August; they shall meet in the court-house in the county town; the lieutenant of the county, if present, shall preside at every court; in his absence the chairman shall be elected by the magistrates present; the clerk of the peace

shall act as secretary to every such court. In addition to these stated courts the lieutenant of the county may at any time convene a special court on giving one week's notice to each magistrate by post.

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- 5 19. From and after the said first day of November the Representative Council of each county shall be capable of exercising and shall have and exercise all such powers, duties, and authorities which are now vested in the grand jury in relation to the execution of any public work, or the levying of any cess, rate, or tax, and
10 the making of any orders, or the making of any appointment, except where it is herein otherwise provided; and generally they may do all such matters, acts, and things as may now be lawfully done by the grand jury of any county, except the finding of bills of indictment, or making presentments of any offence or other
15 matter in any connected with the duties of a grand jury as the grand inquest of the county.

Powers of Council.

- 20 20. The Council shall not exercise the power of the making of any presentment for compensation for malicious injuries, or in respect of any crime or outrage, in any of the Acts authorising grand juries in that behalf.

Not to make presentments for malicious injuries.

21. The Representative Council of each county shall assemble on the tenth day of November next, and on the tenth day of November in each succeeding year. All their meetings shall be held in the assize town of the county, and their first meeting shall
25 be held at noon in the grand jury room of the county court house.

Meetings of Representative Council.

22. They shall at their November meeting in each year elect a member of the council to be chairman and another to be vice-chairman for the ensuing year, and may, at any meeting duly convened,
30 fill up a vacancy arising in either of such offices during

Chairman and vice-chairman to be elected.

23. They shall appoint, in addition to a secretary, such and so many other officers as may be necessary for the transaction of the business of the Council, with such reasonable salary as they may think fit. Any order appointing an officer, or fixing his salary,
35 may be removed into the Court of Queen's Bench, and shall be quashed, if it shall appear to the Court that the appointment is unnecessary, or the salary excessive; and any facts that are disputed may, if the Court shall so think fit, be tried by a jury in such manner as the Court may direct: Provided always, that all officers
40 appointed by the Council shall be removable at the pleasure of the Council without any cause assigned.

Appointment of officers.

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Treasurer
of county to
continue in
office.

24. Any person or banking company who at the time of the first meeting of the Council shall fill the office of treasurer of the county shall continue to hold such office at the same salary and with the same tenure of office as if this Act had not been passed; and upon any vacancy occurring in the office of treasurer, the Council shall 5 make provision for the discharge of the duties of such office as the grand jury are now empowered and required by law to do.

Appointment
of secretary
of Council.

25. The Council shall, at their first meeting, or at some adjournment thereof, appoint a fit and proper person to be secretary of the Council, and shall at any future meeting fill up any vacancy 10 in such office. They shall annex to the office of secretary such duties as they may prescribe by any byelaws duly made in that behalf; and, subject as aforesaid, they may from time to time fix such reasonable salary to be paid to such secretary as they shall think fit.

15

Appointment
of county
and district
surveyors.

26. The Council shall from time to time appoint the county and district surveyors, with such salaries respectively as they may think reasonable; but they shall not appoint any one, except a person qualified to fill such office under the provisions of a statute passed in the twenty-sixth year of the reign of Her Majesty, the 20 now Queen, intituled "An Act for making better provision for the " appointment of county surveyors in Ireland."

Fixing of
meetings.

27. The Council may fix meetings to be held statedly at such time as they shall see fit, and may adjourn their meetings from time to time, and make such regulations as to the convening of 25 extraordinary meetings, as to them shall seem fit.

Election of
finance
committee.

28. They shall, at their meeting in the month of November in each year, nominate and appoint out of their body a finance committee, of not less than seven and not more than twelve, to discharge the duties herein-after mentioned.

30

Duties of
finance
committee.

29. The finance committee shall meet from time to time as they shall think fit, and as the Council may appoint. They shall examine into all applications for public works, and, if they shall think it expedient, they shall report their opinions thereon to the Council; they shall, as far as may be practicable or necessary, 35 investigate the progress of all contracts for public works, and call for and receive the reports of all officers in relation to same. They shall, when authorised by any resolution of the Council, make payments on account of same, and generally do all such acts for the transaction of business as the Council may by any byelaw 40 direct.

30. The Council shall from time to time appoint a fit and proper person, being a member of the finance committee, to be chairman thereof, and to discharge such duties as they may by any byelaw duly made in that behalf annex to such office; and, if they shall so think fit, they may fix such reasonable salary to be paid to such chairman as they may think fit.

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Chairman
of finance
committee
to be ap-
pointed.

31. The Council may, at any meeting duly convened, make any order for the execution of any work, or the granting of any money for same, for which the grand jury of the county might lawfully have made a presentment if this Act had not been passed.

Orders to
be made at
meetings of
Council.

32. Provided always, that in every county, except the county of Dublin, two meetings shall be held in each year on the day that shall be four clear days before the day appointed for opening the commission at each assizes. And the sheriff of every county, on receiving the precept of the justices for the assizes, shall cause public notice to be given of the day of meeting of the Council, and shall send to the secretary of the Council a notice requiring the Council to assemble on the day named in the notice, and the secretary shall thereupon summon by post each member of the Council to attend on that day.

Meetings to
be held
before
assizes.

33. The Council shall assemble at their place of meeting, at twelve o'clock on the day named by the sheriff, and shall then proceed to complete all business remaining undisposed of which shall require to be brought before the justices of assize pursuant to the provision herein-after contained; and they shall continue to meet each day until all such business is disposed of; and at such meetings they shall cause to be prepared a full statement of all orders made by them for the execution of any public money, or the raising of any money in the same form and manner as nearly as may be to the form in which the schedule of presentments is now prepared.

Schedule of
votes to be
prepared.

34. They shall in such statement include all sums of money which they are authorised or required to raise by county rate, including all such sums as may be required for the expenses of carrying into effect the provisions of this Act.

Expenses of
Act to be
provided.

35. Unless and until provision shall be otherwise made in that behalf, all orders of the Council for the execution of any work or the raising of any money made since the previous assizes shall be submitted to the judge of assize in the same manner as presentments of the grand jury for the like purposes are now submitted; and the

All orders to
be filed by
judge.

A.D. 1876. — judge shall have and exercise in respect to them the same power and control as he now does over the presentments of the grand jury; and all the proceedings in relation to fiatting such orders, and as to the traversing of the same, or otherwise, shall be in all respects the same as are now or may be by law taken in relation to such presentments, and all laws, usages, and statutes now in force in relation to dealing with grand jury presentments at the assizes shall, unless when they are inconsistent with this Act, be applicable to orders made by the Council. 5

Council to
meet at
assizes.

36. The Council shall assemble at ten o'clock in the forenoon of the day appointed for opening the commission of each assizes, and shall continue to meet on each and every day at the same time until the judge shall permit them to separate, but before separating they shall appoint a time for their next meeting within one week of such separation. 15

The Council and every member thereof shall be in attendance at each assizes, and every member shall give his attendance in open court whenever he shall be required by the judge, and he shall remain in attendance at the assizes until the judge shall think fit to discharge the Council from further attendance; and the judge may at any time direct the names of the members of the Council to be called in open court, and may impose upon those who do not appear when called such reasonable fine as he shall think fit. 20

County rate
to be struck.

37. At the meeting of the Council so appointed to be held the Council shall make an estimate of all sums of money which they shall be then authorised or required to raise either from any barony in the county, or from the county at large; and they shall appoint and assess the sums to be levied on each barony in the county, including in such estimate any amount of compensation for malicious injury, or arising from any crime or outrage, which pursuant to the provisions herein-after containen, they may be required to raise; and they shall ascertain the proportion of the entire sum to be raised which shall be chargeable on each barony of the county, and shall appoint and strike upon each barony a per-centage rate, to be called the county rate, to be equally assessed upon all the lands, tenements, and hereditaments rated to the relief of the poor within such barony; and such rate shall be levied on the said several lands, tenements, and hereditaments as one county rate, apportionable between the landlord and tenant in the manner directed by the Land Act. 35 40

38. Every such county rate shall be recoverable by the same means in all respects as the county cess is now by law recoverable by distress or otherwise, and shall also be a debt due to the Representative Council by the person liable to pay same, to be recovered

A.D. 1876.

Recovery of county rate.

5 by them by action or otherwise as debts may be recovered by due process of law.

39. All the provisions herein-before contained relative to the meetings of the Council, and the fiating of orders made by them, shall be applicable to the county of Dublin, save and except that

Provision as to county of Dublin.

10 in that county the meetings of the Council shall be held five clear days before each Easter and Michaelmas term; and all orders of the Council shall be submitted to the Court of Queen's Bench instead of the judge of assize; and all such proceedings shall be heard thereon as may now by law be had on any presentment

15 for the execution of any public work, or the raising of money made by the grand jury of the county of Dublin.

40. Orders may be made by the Council for stopping up any existing road in the same manner and with the same consequences in all respects as presentments to the like effect may now be made

Council may stop up roads.

20 by the grand jury.

41. All rates collected under the authority of this Act, and all moneys which shall be payable to the Representative Council, shall be paid to the treasurer, or to the banking company acting as treasurer, of a fund to be called the County Fund; and no money

Moneys to be paid to credit of County Fund.

25 shall be paid except upon a resolution of the Council or Finance Committee, and a draft signed by three or more members of the Council in such manner as the Council may direct.

42. If the Council shall refuse or neglect to make any order for the payment or assessment of money which by law they ought

Mandamus to lie to Council.

30 to make, any party interested in such payment may apply to the Court of Queen's Bench for a mandamus to compel them to make such order.

43. Any order made by the Council for the execution of any public work or the payment of any money may be removed by

Orders removeable by certiorari.

35 certiorari into the Court of Queen's Bench, in the same manner as presentments may now be removed, and may, if in any respect contrary to law, be quashed by such Court.

44. Whenever by any law or statute now in force the grand jury of any county are authorised or required to present any sum

Application for compensation for

A.D. 1876.

malicious
injury to be
heard by a
grand jury.

of money by way of compensation for malicious injury to property, or for any loss or injury resulting from any outrage or crime, the grand jury of such county, notwithstanding this Act, shall and may make such presentment in any case in which they are now authorised by law to make the same.

5

Proceedings
to obtain
compensa-
tion.

45. The proceedings to obtain such compensation shall be as follows:—It shall not be necessary to make any application to presentment sessions preparatory to such presentment, and in lieu and stead of any of the requirements now existing by law, it shall be sufficient if the party seeking such compensation gives 10 notice to the secretary of the County Council. Every such notice shall set out the nature of the claim, the circumstances from which such claim is alleged to arise, and the amount claimed. Every such claim shall be made at least two months before the assizes at which the presentment is intended to be sent before the grand jury; 15 and such claim must in all cases be lodged within three months after the injury, crime, or outrage from which the claim is alleged to have arisen, or, if the claim shall arise from any murder, within three months after the death of the person alleged to be murdered, and shall be accompanied by an affidavit, duly sworn before any 20 justice of the peace for the county, that the applicant believes such claim to be founded in truth.

Grand jury
may present
compensa-
tion.

46. Every such claim shall be lodged with the clerk of the Crown at least one week before the day fixed for the opening of the commission at the assizes at which such claim is to be preferred, 25 or, in the county of Dublin, one week before the term, and thereupon the said claim shall be submitted to the grand jury, and upon the assembling of the grand jury at the assizes a presentment shall be sent up to the grand jury by the person or persons claiming compensation, in which the grounds upon which such claim is made 30 shall be set forth with good and sufficient averments to show that such claim is authorised by law, and thereupon the grand jury shall examine into the matter of such presentment, and shall hear witnesses in support of the same, and they may either ignore or find such presentment; and if they shall find such presentment, 35 they shall find such compensation as they may think justly and properly payable to the claimant or claimants; and the proceedings upon such presentment shall be deemed to be a part of the criminal business of the county, save and except that the witnesses shall be heard in a court open to the public, and the members of the 40

grand jury shall give their votes openly for or against such presentment. A.D. 1876.

47. Every presentment made for such compensation by a grand jury shall be a record of the court of oyer and terminer held at such assizes; and it shall and may be lawful for such court of oyer and terminer, or any court of oyer and terminer at any succeeding assizes, to give judgment thereon as herein-after mentioned. Presentment to be record of assize court.

48. Such presentment may be dealt with by the judge or judges of the court of oyer and terminer in the same manner in all respects as any indictment found by a grand jury may be dealt with by the said judge or judges; and any presentment so found by the grand jury may be traversed either by the Representative Council or by any ratepayer; and upon such traverse being taken, the judge in any county, except the county of Dublin, shall direct the same to be tried by a jury, either at the then or the next ensuing assizes, and such trial shall take place in the same manner as the trial of any issue of not guilty on an indictment for misdemeanor. The traverse shall be taken by an entry in the Crown book that the person traversing opposes the presentment, and thereupon the person sustaining the presentment shall be required to prove before the jury that shall try such traverse all the facts necessary to sustain such presentment; and the jury may find a verdict in favour of the traverse, or in favour of the applicant, for such sum as they shall think fit, not exceeding that found by the grand jury. In the county of Dublin the same proceedings shall be had in the Court of Queen's Bench. Presentment may be traversed.

49. The judge at any assizes may reserve any question of law arising upon the trial of such traverse in the same manner as questions arising upon criminal trials are reserved for the Court of Crown cases reserved. Questions may be reserved.

50. Whenever a presentment is found of favour of the application, and same is not traversed, or, if traversed, a verdict is found in favour of the applicant, and such presentment is finally confirmed, the judge, or, in the county of Dublin, the Court of Queen's Bench, shall give judgment for the same, and make an order that the applicant shall be paid the sum for which judgment shall be finally obtained, together with his costs in that behalf properly incurred; and such order shall be transmitted by the clerk of the Judge to order payment.

A.D. 1876. Crown to the secretary of the Representative Council; and the Representative Council shall thereupon include the sum so ordered to be paid in their estimate and rate.

51. Every presentment for compensation for malicious injury, or arising out of any crime or outrage, may be removed by certiorari into the Queen's Bench, in the same manner as any indictment found or to be found for any criminal offence may be removed; and the Court of Queen's Bench shall exercise over every presentment so removed, and over the trial thereof, the same jurisdiction and authority as they now exercise over any indictment so removed; and in case of such removal, the presentment and all subsequent proceedings shall be and be deemed to be a record of the Court of Queen's Bench.

Appointment
of board of
superintend-
ence.

52. The board of superintendence of the prison of every county in Ireland shall be appointed in the following manner; that is to say, at the general court of magistrates held in the month of February in each year, the justices there assembled shall appoint four of their number to be members of the board of superintendence of the county prison, and shall direct the clerk of the peace to transmit the names of the persons so nominated to the County Council; the Council shall thereupon nominate eight other persons, two of whom at least shall be magistrates, to be members of the said board; and the twelve persons so elected, on being submitted to the judge at the assizes, or, in the county of Dublin, to the Court of Queen's Bench, and recorded in the Crown book, shall constitute and be the board of superintendence from the time they shall be so submitted until the Spring assizes, or, in the county of Dublin, the Easter term of the ensuing year.

Provision as
to present-
ment ses-
sions.

53. Subject to the provisions herein-before and herein-after contained, presentment sessions shall be held for each barony in the manner now required by law; no presentment sessions shall be held for the county at large, and all matters or things which may require the approval of such last-mentioned sessions to authorise a presentment by the grand jury may be done by the Council without such approval.

Associated
cesspayers to
be elected.

54. From and after the tenth day of October one thousand eight hundred and seventy-five, the cesspayers in each barony to be associated with the justices in each barony shall be those chosen in manner following; that is to say, the Representative Council shall,

as soon as conveniently may be after their election, fix and determine the number of cesspayers in each barony that shall be associated with the justices at presentment sessions. On the tenth of October following, and on the tenth of October in any succeeding year, the ratepayers of each barony shall, at the same time as they elect representatives to the Council, and in the same manner in all respects, elect the appointed number of cesspayers, and the persons so elected shall be the cesspayers to be associated with the justices at all presentment sessions for the barony to be held within the ensuing year.

A.D. 1876.

55. In the counties of the cities of Limerick, Waterford, and Kilkenny, and in the county of the town of Drogheda, all the powers now exercised by the grand juries of such counties in relation to fiscal matters respectively from and after the passing of this Act shall be vested in and transferred to the town council of the said cities and towns respectively; and all the provisions of this Act shall, so far as the same are applicable, be in force in relation to the management of all public moneys now raised in such cities and towns by grand jury presentment.

Provision as to counties of cities and towns.

56. If at any time hereafter the town of Carrickfergus or the town of Galway shall obtain a charter of incorporation under the Acts regulating municipal corporations in Ireland, all the powers now exercised by the grand jury of the county of the town shall be transferred to and vested in the councils elected under such charter; and in the meantime, from and after the first day of January next, they shall, as to the county of the town of Carrickfergus, vest in and be exercised by the Representative Council of the county of Antrim, and as to the county of the town of Galway by the Representative Council of the county of Galway; and the ratepayers of each of such towns shall, by an election to be held in manner herein-before mentioned, elect four representatives, and the justices of the peace two justices, to represent such towns on the said Representative Councils respectively.

Provision as to Carrickfergus and Galway.

57. And whereas it is expedient to place the management of the sums received for lunatic asylums under the control of the representatives of the taxpayers: From and after the seventeenth March next all the powers of the present governors of any lunatic asylum supported wholly or in part by grand jury presentment shall cease and determine.

Provisions as to lunatic asylums.

A.D. 1876.

Privy Council to determine number of governors.

One fourth to be appointed by Lord Lieutenant.

Two thirds of the rest to be elected by council, one third by justices.

Provisions where more than one county contributes.

Provisions as to cities and town corporate.

Number of governors to be such as to accord with these provisions.

Orders may be varied.

Lord Lieutenant may hear objections to orders.

58. It shall be lawful for the Lord Lieutenant and Privy Council to fix and determine the number of governors which shall in future be appointed for each such lunatic asylum in Ireland.

59. Of such governors one fourth of the number, and no more, shall be appointed by the Lord Lieutenant; any law, statute, or 5 usage to the contrary notwithstanding.

60. In case only one county contributes to the expense of the lunatic asylum, the remaining three fourths of the governors shall be appointed in manner herein-after mentioned; that is to say, two thirds of the number shall be appointed by the council of 10 the county, and one third by the general court of magistrates.

61. In any case in which the expense of such lunatic asylum is borne partly by one county and partly by another, or partly by a county and partly by a county of a city or town, the order of the Privy Council fixing the number of governors shall also determine 15 the proportion of elected governors which shall be chosen by each of the contributory counties, having regard to the amount contributed by each of such counties to the expense.

62. The governors to be elected by any county at large shall be chosen, two thirds by the council of the county, and one third by 20 the general court of magistrates; the governors to be elected by any county of a city or town shall be elected by the town council of such city or town, unless in the counties of the towns of Galway and Carrickfergus, in which they shall be chosen by the councils of the counties of Galway and Antrim respectively. 25

63. In making an order fixing the number of governors to be appointed, and the proportions in which they shall be elected, regard shall be had to fix such numbers as may admit of the divisions directed by this Act.

64. Any such order may from time to time be varied by the 30 Lord Lieutenant and Privy Council on notice to all the parties interested.

65. The Lord Lieutenant and Council may, before making or varying any order, hear any persons whom they may think fit objecting to the making of any proposed order, or the variation of 35 one already made.

66. Any vacancy in the office of governor shall be filled up in the same manner as the person was appointed by whose ceasing to be a governor the vacancy shall have been caused, unless a variation in the order shall make such election inconsistent with the altered state of things.

A.D. 1876.

Vacancies in office of governor to be filled up.

67. From and after the first day of January next, all property, of what nature or kind whatsoever, which is now held by any grand jury or by any one in trust for them, or which is or is declared to be vested in any county or in any body in trust for such county, shall be and become the property of the Representative Council of each county respectively, and in the counties of cities and towns hereinbefore mentioned shall be and become in like manner the property of the bodies in whom the fiscal powers of the grand jury are vested by this Act.

Property of grand juries to vest in councils.

68. No contract heretofore entered into by or with any grand jury or any one on their behalf shall be in any manner affected or impaired by anything in this Act contained, but all such contracts, and all rights or liabilities arising therefrom, shall remain in full force and effect; and the body in whom the fiscal powers of the grand jury are vested by this Act shall, as to all such contracts and rights and liabilities, be in the same position as if the contract had been made by or with them, or in trust for them, instead of the grand jury, and they shall have, in relation to all such contracts and matters, the same power as any grand jury would have had if this Act had not been passed; and all arrears of any rate levied by grand jury presentment, and which shall be unpaid on the first day of November next, shall vest in and be the property of the body to whom the fiscal powers of the grand jury are transferred, and shall be recoverable by them in the same manner in all respects as any rate or rates imposed by them under the authority of this Act.

Contracts to continue in force.

69. Until the Representative Council of any county shall fix the qualification of persons to be elected members of the Council, and the qualification of persons to be elected as associated ratepayers, every person, and no other, shall be deemed to be qualified to be elected a member of the Representative Council, or an associated cesspayer by the ratepayers of any barony, who would be qualified to be elected as a poor law guardian in any of the unions situate wholly or in part within such barony pursuant to the regulations prescribed for such qualification.

Qualification of councillors and cesspayers.

A.D. 1876.

Duties of
council.

70. The Representative Council of every county shall be bound to do and perform the following things :

They shall assess, levy, and pay all such moneys as by any law ought to be assessed, levied, and paid :

They shall keep all the public roads, bridges, and highways of 5 the county in good and sufficient order and repair :

They shall keep, provide, and maintain all such courthouses, gaols, prisons, bridewells, and houses of correction within the county as may be necessary for the convenient administration of justice. 10

In case they shall neglect to perform any of the aforesaid matters or things, or any other matter or thing whatsoever which by law they ought to do, a mandamus shall issue from the Court of Queen's Bench to compel them so to do, upon the application of Her Majesty's Attorney General, or of the Local Government Board, 15 or of any person interested in the performance of the matter or thing which they shall so neglect ; and if such mandamus shall issue to compel the repair of any public road or highway, it shall not be an answer to such mandamus that the presentment sessions of the barony have not approved of such work ; and if a peremptory 20 mandamus shall issue in obedience to such writ, the Council shall proceed to execute such work in the same manner as if it had been so approved, and shall charge against the barony the interest on their proper proportion of the cost of such work, and all the costs to which they shall be put by reason of such mandamus. 25

Power of
Council to
make bye-
laws.

71. In addition to and not in substitution for any power of making byelaws which may be vested in them by reason of any of the provisions herein-before contained, the Representative Council of every county shall have power to make any reasonable byelaws not only for the regulation of their own proceedings and of the 30 duties of their officers and servants, but also as to any of the matters herein-after mentioned ; and they may, if they think fit, by any such byelaw, impose a penalty not exceeding five pounds for every violation of same ; that is to say, they may make byelaws for any of the following purposes : 35

For the regulation of all contracts for public works to be paid for by county rate, and of the execution of any works undertaken in pursuance of same :

For the better regulation of the roads within the county and of the traffic on same, and for the prevention of nuisance or 40

obstruction in any manner interfering with the safe and convenient use of such roads: A.D. 1876.

For the regulation of the election of the persons to be chosen by the ratepayers of each barony, either as members of the Council or cesspayers, in the following respects; that is to say,

Fixing the person to act as returning officer:

Determining the place of election, and the number and situation of polling places:

Regulating the notice to be given of such elections:

10 Determining the qualifications of the persons so to be elected:

Provided always, that such byelaws shall not be inconsistent with this Act, or contrary to the general laws of the realm; but nothing in this section contained shall be construed to weaken or take away any right or power of making byelaws which the Council would have if this section were not contained in this Act.

72. No byelaw so made by the Council, except one regulating its own proceedings, shall have any force or effect unless and until same shall be allowed by the Lord Lieutenant and Privy Council, which allowance shall not be given until a period of twenty-one days after a copy of such byelaw has been sent under the common seal of the Council to the Lord Lieutenant; and immediately on any byelaw being passed by the Council, same shall be printed, and a printed copy of same shall be kept in the office of the Council to be inspected by any one who shall desire so to do; and printed copies shall be sent to the chairman and clerk of every board of guardians within the county, and also to the mayor and town clerk of every town corporate, and also to the chairman of all town and municipal commissioners of any town within the county; and a copy under the seal of the Council shall be sent to the clerk of the peace, and also to the lieutenant of the county, to be submitted to the general court of magistrates of the county; and a printed copy shall be given at a reasonable price to any person who shall apply at the office of the Council for the same.

Byelaws to be approved.

35 73. Any byelaw so made by the Council, whether approved of or not, may be removed by certiorari into the Queen's Bench, and may, upon sufficient ground being shown to the court, be quashed.

Byelaws may be removed by certiorari.

74. All penalties imposed by any byelaw shall be recoverable in the manner provided by the Petty Sessions (Ireland) Act, 1851;

Penalties to be recovered.

A.D. 1876. and all the proceedings in relation thereto shall be subject to and in accordance with the provisions of that Act.

Application
of penalties.

75. All penalties imposed at any petty sessions within the county, whether for offences against any byelaw or under any law or statute, shall, unless so far as same are payable to any private individual, be paid over to the county treasurer for the use of the county fund.

Members of
Council, &c.
not to be
interested in
any contract,
or hold any
office of
profit, under
the Council.

76. No member of the Representative Council, or any of their officers or servants, shall be directly or indirectly concerned in or have any interest in any contract for any work, or the supply of any matter or thing to be paid for out of the county fund; and no members of the Council shall be appointed to or hold any office or place of profit under the Council, or receive any emolument out of the county fund, save and except the chairman of the Finance Committee, if he shall be authorised by any byelaw to be made to that effect; and if any member of the Council shall offend herein, he shall be incapable of continuing a member of the Council, and his place in same shall be vacant; and he shall be liable to a penalty of one hundred pounds, to be recovered, with full costs of suit, in an action in any one of the superior courts of common law at suit of the Representative Council, or, if the Council shall not commence such action within one month after a notice shall be delivered to the secretary, signed by any three ratepayers, calling on them to bring such action, then at the suit of any ratepayer who will sue for the same.

Acts re-
quired to be
done on a
day happen-
ing to fall
on a Sunday.

77. Whenever any act so herein-before appointed to be done on any specified day of the year, and such day shall happen on any day to fall on a Sunday, the act so appointed to be done shall be done on the day following.

Short title of
Act.

78. This Act may be cited for all purposes as "The Representative Councils (Ireland) Act, 1876."

Grand Jury Presentments, &c. (Ireland).

A

B I L L

To provide for the better administration of Public Moneys now levied by Grand Jury Presentment in Ireland, and for the establishment of Representative Councils in the Irish Counties for the management of Local Affairs.

*(Prepared and brought in by
Mr. Romayne, Mr. Butt, and
Mr. O'Shaughnessy.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 22.]

Under 3 oz.

A
B I L L

TO

Amend the “Gun License Act, 1870.”

A.D. 1876.

WHEREAS it is expedient to extend the provisions made by the Acts of the eleventh and twelfth years of the reign of Queen Victoria, chapter thirty, and of the twenty-third and twenty-fourth years of the reign of Queen Victoria, chapter ninety, to enable the occupiers of lands in Scotland to protect the produce of such lands from damage by hares and rabbits :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The following sub-section shall be added to the six sub-sections of clause seven of the Act of the thirty-third and thirty-fourth years of the reign of Queen Victoria, chapter fifty-seven ; viz.,
Exemption from gun license of occupier of lands for killing hares, rabbits, wood pigeons, and rooks.
- 15 By the occupier of any lands in Scotland using or carrying a gun, or by any one person, being a son or farm servant of such occupier, and having his written authority to use or carry a gun, for the purpose only of killing hares, rabbits, wood pigeons, or rooks then being upon such lands.
- 20 2. In this Act, the words “farm servant” shall mean a person hired as a farm servant for any period not less than six months. Definitions.
3. This Act shall apply to Scotland only. Extent of Act.
4. This Act may be cited as “The Gun License Amendment Act, 1876.” Short title.
- 25 5. This Act shall come into operation from the first day of April one thousand eight hundred and seventy-seven. Commencement of Act.

Gun License Act (1870) Amendment.

A

B I L L

To amend the "Gun License Act, 1870."

(Prepared and brought in by
Sir Alexander Gordon, Mr. McLagan, and
Mr. Mark Stewart.)

Ordered, by The House of Commons, to be Printed,
26 May 1876.

[Bill 174.]
Under 1 oz.

Highways Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Application of Act.

Main Roads.

3. Disturnpiked roads lying within contributory highway areas to be main roads, and repaired as in Act mentioned.
4. Description of contributory highway areas.
5. Repair of main roads partly by county, partly by local authority.
6. Continuing turnpike roads without debts may become main roads by provisional order.
7. Continuing turnpike roads with debts may become main roads by provisional order.
8. Turnpike road in several counties.
9. Ordinary highway may become a main road by provisional order.
10. Main road may be reduced to status of ordinary highway by provisional order.
11. Time of Act coming into force as respects main roads.

Extraordinary Traffic.

12. Power of local road authority to recover expenses caused by extraordinary traffic.
13. Power for county road authority to maintain existing toll-gates on expiration of turnpike trust.
14. Power for county road authority to erect new toll-gates and levy tolls in certain cases on main roads.

Provisional Orders.

15. Confirmation of provisional order, and expenses of order.

[Bill 129.]

Clause.

Contracts by Road Authorities.

16. Power for road authorities to make contracts in respect of repair of roads.

Discontinuance of unnecessary Highways.

17. Unnecessary highways may be declared not repairable at the public expense.

Highway Districts.

18. Justices to take into consideration the propriety of dividing or completing division of county into highway districts.
19. Highway districts to be made so far as possible coincident with rural sanitary districts.
20. Expenses of highway boards to be paid out of district fund.
21. Highway boards may combine to appoint a district surveyor.
22. Audit of accounts of highway boards.
23. Provision as to highway district in more than one county.

County Road Authority.

24. Constitution of county road authority.
25. Transfer of powers on future formation of county road board.

Constitution and Officers of County Road Board.

26. Establishment of county road boards.
27. Qualification of members of board.
28. Disqualification of members of board.
29. Member to produce certificate before taking seat at board.
30. Power for board to appoint standing committees.
31. Legal status of board.
32. County officers to serve board, but others may be appointed.
33. County offices to be used by board, with power to provide other offices.
34. Regulations as to county boards in Schedule.

Committee of Justices.

35. Standing committee of justices.

Clause.

Byelaws by County Road Authority.

36. Power of county road authority to make byelaws.

Expenses of County Road Authority.

37. Expenses of county road authority to be defrayed out of county road fund.
38. Mode of obtaining contribution from highway authorities for expenses of county road authority.
39. Recovery of expenses by county road authority.
40. Power of county road authority to borrow on security of county road fund.
41. Power of Public Works Loan Commissioners to lend.
42. Set-off of account between county road authority and contributory areas.
43. Audit of accounts of county road board.

Urban and Rural Sanitary Districts.

44. Power to declare urban sanitary and certain other districts contributory highway areas.
45. Power for rural sanitary authority to become highway board.
46. Consequences of rural sanitary authority becoming highway board.
47. Representation on county road board of rural sanitary authority.

Legal Proceedings.

48. Recovery of expenses and penalties.
49. Form of appeal to quarter sessions.

Definitions.

50. Definitions.

South Wales.—Repeal of Acts.

51. Repeal of South Wales Turnpike and Highway Acts.

SCHEDULE.

A

B I L L

TO

Amend the Law relating to Highways in England, and for A.D. 1876.
other purposes.

WHEREAS it is expedient to amend the law relating to highways in England :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as "The Highways Amendment Act, Short title. 1876."

10 2. This Act shall not apply—

(1.) To Scotland or Ireland, nor

(2.) To the Isle of Wight; nor

(3.) To any part of the metropolis; nor

15 (4.) Except as is in this Act expressly declared, to any part of a county to which the Act passed in the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for the better management and control of the highways in South Wales," extends.

Application
of Act.

20

Main Roads.

3. For the purposes of this Act, any road which on the first day of January one thousand eight hundred and seventy was a turnpike road, and has ceased to be such, and any road which being at the time of the passing of this Act a turnpike road may afterwards cease to be such, shall be deemed to be a main road, and, as

[Bill 129.]

A

Disturn-
piked roads
lying within
contributory
highway
areas to be
main roads,
and repaired
as in Act
mentioned.

A.D. 1876. to so much thereof as lies within the limits of any contributory highway area, be repaired in manner in this Act mentioned.

Description
of contri-
butory high-
way areas.

4. The following areas shall be deemed to be contributory highway areas for the purposes of this Act; that is to say,

- (1.) Highway districts; and
- (2.) Highway parishes not included within any highway district or any urban sanitary district.

Repair of
main roads
partly by
county,
partly by
local
authority.

5. So much of every main road in a county as lies within the limits of a contributory highway area shall be repaired as follows; that is to say,

- (1.) Where the contributory highway area is a highway district the part of a main road situate in such highway district shall be repaired by the highway board, unless the county road authority in this Act mentioned, on the application of the highway board, are willing to repair the same, in which case it may be repaired by the county road authority; and
- (2.) Where the contributory highway area is a highway parish, the part of a main road situate in such parish shall be repaired by the county road authority, unless the county road authority and the parish agree that the same shall be repaired by the parish.

Half the expenses of repairing so much of a main road as lies within a contributory highway area shall in all cases be paid out of the county road fund, and the residue out of the local rate.

The county road authority before paying out of the county road fund any portion of the expenses of repairing a main road under this Act shall, if they have not themselves repaired such road, require the certificate of the county surveyor to the effect that such portion has been repaired to his satisfaction.

Continuing
turnpike
roads
without
debts may
become main
roads by
provisional
order.

6. When at any time after the passing of this Act the trust relating to a turnpike road has not expired, and is not about to expire within a year from such time, and no debt is due from such trust, the Local Government Board may, on the application of the county road authority of the county in which such road is situate, by provisional order to be confirmed as in this Act mentioned, declare that from and after a day mentioned in the order such road shall cease to be a turnpike road; and on the day appointed the trust relating to such turnpike road shall be deemed to have expired, and such road shall cease to be a turnpike road, and shall be subject to the provisions of this Act whereby roads ceasing to be turnpike roads are deemed to be main roads.

7. When at any time after the passing of this Act the trust relating to a turnpike road has not expired, and is not about to expire within a year from such time, and the debt due from such trust remains unliquidated, the Local Government Board, on the application of the county road authority of the county in which such road is situate, may cause an inquiry to be made into the amount of compensation that ought to be paid to the creditors, having regard to the value of such debt; and the Local Government Board, by provisional order to be confirmed as in this Act mentioned, may apportion such compensation according to mileage, charging to the county road fund so much thereof as is due in respect of those parts of the road which are within the limits of contributory highway areas, and distributing the residue amongst the several local authorities liable to repair the residue of such road considered as a highway, and may direct that such compensation is to be paid by the county road authority and such other authorities respectively in manner and to the persons in the said order mentioned.

A.D. 1876.

Continuing
turnpike
roads with
debts may
become main
roads by pro-
visional
order.

- The compensation awarded by such provisional order may be by way of annual sum or principal sum, or partly in one way and partly in the other; it may be payable by instalments, or in such other way as the Local Government Board may determine.

- The compensation so awarded shall, so far as the same is payable by the county road authority, be deemed to be expenses properly incurred by them, and so far as the same is payable by any other local authority, be deemed to be expenses properly incurred by such local authority in respect of the highways under their charge, and shall be defrayed accordingly.

- Trustees and other persons shall receive the compensation awarded to them by the Local Government Board in manner aforesaid, in full satisfaction of their claims against such turnpike trust as is mentioned in this section.

- Any compensation payable to persons under disability maybe paid into court in manner provided by the Lands Clauses Consolidation Act, 1845, in the case of moneys payable to persons under disability.

- The provisional order, in addition to awarding such compensation as aforesaid, shall declare a day from and after which such turnpike road is to cease to be a turnpike road, and on the day appointed the trust relating to such turnpike road shall be deemed to have expired, and such road shall cease to be a turnpike road, and shall be subject to the provisions of this Act whereby roads ceasing to be turnpike roads are deemed to be main roads.

Any local authority may, with the sanction of the Local Government Board, borrow in manner provided by the Local Loans Act,

A.D. 1876.

1875, for the purposes of this section, such sums as they may from time to time require. Any sums so borrowed shall be discharged within a period not exceeding such period as may be prescribed by the Local Government Board.

Turnpike road in several counties.

8. Where a turnpike road subject to one trust extends into 5
divers counties, such road for the purposes of this Act shall be
treated as a separate turnpike road in each county through which
it passes, and any debt due from the trust to which such road is
subject shall be apportioned by the provisional order of the Local
Government Board, made in pursuance of this Act, amongst the 10
counties through which it passes in proportion to the mileage of the
road in each county.

Ordinary highway may become a main road by provisional order.

9. Where it appears to a county road authority that any highway
within their jurisdiction, not otherwise by this Act capable of being
made a main road, ought to be repairable as a main road by 15
reason of its being a medium of communication between great towns,
or a thoroughfare to a railway station, or otherwise, the county road
authority may apply to the Local Government Board for a provisional
order, to be confirmed as in this Act mentioned, declaring such high-
way to be a main road; and the Local Government Board, if 20
satisfied that it ought to be repairable as a main road, shall make
a provisional order accordingly, and on such order coming into
force the road to which it relates shall be deemed to be a main road,
and shall be subject to the provisions of this Act relating to the
repair of main roads. 25

Main road may be reduced to status of ordinary highway by provisional order.

10. Where it appears to a county road authority that any highway
within their jurisdiction, which is repairable as a main road in pur-
suance of this Act, ought to cease to be repairable as a main road
and become repairable as an ordinary highway, the county road
authority may apply to the Local Government Board for a provi- 30
sional order, to be confirmed as in this Act mentioned, declaring that
such road has ceased to be repairable as a main road and become
repairable as an ordinary highway; and the Local Government Board,
if satisfied that it ought to cease to be repairable as a main road
and become repairable as an ordinary highway shall make a pro- 35
visional order accordingly, and on such order coming into force
such road shall cease to be repairable as a main road, and shall
become repairable as an ordinary highway.

Time of Act coming into force as respects main roads.

11. This Act, in so far as relates to the repair of main roads,
shall not come into force until the *first day of July one thousand* 40
eight hundred and seventy-seven.

Extraordinary Traffic.

A.D. 1876.

12. Where by the certificate of their surveyor it appears to the authority which is liable or has undertaken to repair any highway whether a main road or not, that extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by an extraordinary traffic thereon arising from building operations, construction of works, or other temporary or exceptional cause, such authority may, subject to the right of appeal given by this Act, recover in a summary manner from any person by whose order the extraordinary traffic has been conducted, the amount of such extraordinary expenses as may be proved to the satisfaction of the Court having cognizance of the case to have been incurred by such authority by reason of the damage arising from such traffic as aforesaid.
- 15 Provided that any person against whom expenses in respect of extraordinary traffic are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such extraordinary traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

Power of
road
authority to
recover ex-
penses of
extraordi-
nary traffic.

13. Where on the expiration of any turnpike trust relating to any turnpike road within the jurisdiction of a county road authority, it appears to such authority on inquiry made at its own instance or on the representation of any authority on which any part of the expense of repairing any portion of such road devolves, that the expense of repairing such road or any portion of such road is likely to be largely in excess of the sum which would ordinarily suffice to keep such road in repair, having regard to the average expense of keeping in repair similar roads in the neighbourhood, and further that such excess is caused by the through traffic of travellers or by some other cause independent of the local traffic, such county road authority may apply to the Local Government Board for a provisional order, to be confirmed as in this Act mentioned, authorising such county road authority to maintain the toll-gates and toll-houses and other buildings erected in pursuance of such trust, or any of them, for a specified limited period, with or without modifying the tolls receivable at such toll-gates, or to erect new toll-gates and toll-houses in specified places on such road, and to levy any tolls authorised by such order; and the Local Government Board may, if they see fit, make a provisional order

Power for
county road
authority to
maintain
existing toll-
gates on ex-
piration of
turnpike
trust.

A.D. 1876. accordingly, with or without such modifications as the Board may think fit.

A provisional order made under this section may contain provisions for investing the county road authority as respects the road or portion of the road therein referred to, and the toll-gates, 5 toll-houses, and tolls thereon, with all or any of the powers, duties, and responsibilities which the trustees of the road would have had and been subject to if they had continued in office and the Act regulating the trust were in force.

Power for
county road
authority to
erect new
toll-gates
and levy tolls
in certain
cases on
main roads.

14. Where it appears to a county road authority, on the com- 10
plaint of any highway board, parish, or other authority charged with
the maintenance of highways within their county, that the expense
incurred by such board, parish, or other authority in respect of
any main road within their jurisdiction is largely in excess of the
sum which would ordinarily suffice to keep such main road in 15
repair, having regard to the average expense incurred by highway
authorities in the neighbourhood in respect of a main road of
equal length, and further that such excess is caused by a through
traffic between places which do not contribute to the repair of such
main road or otherwise by some cause independent of the local 20
traffic of the inhabitants of the area within the jurisdiction of
such complaining board, parish, or other authority, the county road
authority may institute an inquiry into the subject matter of
such complaint, and if satisfied of the truth of the complaint, and
that it would be just to allow of the levy of tolls to such an extent 25
as would defray such excess of expense as aforesaid, and further
that the levy of such tolls would not prejudicially interfere with
the traffic producing such excess, such county road authority may
apply to the Local Government Board for a provisional order, to be
confirmed as in this Act mentioned, authorizing such county 30
road authority to make such main road a turnpike road and to levy
tolls on such road.

It shall be lawful for the Local Government Board on any such
application to make a provisional order authorizing the county road
authority to make such main road a turnpike road for a limited 35
period, and to erect toll-gates and toll-houses in specified places on
such road, and to levy specified tolls on such road, subject and
according to the provisions of the General Turnpike Acts for the
time being in force, and all the provisions of those Acts shall
apply with the necessary alterations to such main road and to the 40
county road authority as if such main road were a turnpike road,
and the county road authority were trustees thereof constituted in
pursuance of a local Act.

Provisional Orders.

A.D. 1876.

15. It shall be lawful for the Local Government Board to submit any provisional order made by them under this Act to Parliament for confirmation, and without such confirmation a provisional order shall not be of any validity.

Confirmation
of provi-
sional order,
and expenses
of order.

A provisional order under this Act may contain such subsidiary provisions as to the transfer of debts and liabilities and otherwise as may be necessary for the purpose of carrying such order into effect.

10 All expenses of and incidental to the making and passing any provisional order made in pursuance of this Act, including the expenses of any local inquiry incurred by or on behalf of any local authority, with the sanction of the Local Government Board, whether in promoting or opposing such order, shall be deemed
15 to be expenses properly incurred by any such local authority in the performance of its duties, and shall be paid accordingly.

Contracts by Road Authorities.

16. Contracts in relation to roads may be entered into as follows :

20 (1.) By any county road authority or turnpike trustees with any other county road authority and turnpike trustees, or either of such bodies, for the repair of any road which, or any continuation of which, lies within the jurisdiction of the parties to such contract; and

Power for
road autho-
rities to
make con-
tracts in
respect of
repair of
roads.

25 (2.) By any county road authority with any other road authority having jurisdiction over roads within their county, for the repair of all or any roads within the jurisdiction of such road authority; and by any such other road authority within a county with the county road authority, for the repair of any road situate within the jurisdiction of such
30 other authority, which such county road authority is authorised or required to repair; and

(3.) By any county road authority or other road authority with any contractor or other person or persons corporate or un-
incorporate (not being a road authority) for the repair of
35 any roads which such county or other road authority is liable to or has undertaken to repair, or for the repair of any portion of such roads.

Any moneys duly payable in pursuance of any contract under this section in respect of the repair of roads to any authority person
40 or persons who have so repaired the same, shall be deemed to be

A.D. 1876. expenses duly incurred by the authority paying such moneys in the performance of their duties as the road authority of the road in respect of which such moneys are paid.

For the purposes of this section,—

“Road” means any highway, including a turnpike road; also any county bridges and county lengths; also bridges and lengths of road repairable by any hundred of a county.

“Road authority” means any highway board, parish, turnpike trustees or other authority whatsoever not being a county road authority, having power to repair any road or bridges.

The duration of a contract under this section shall not exceed three years.

Discontinuance of unnecessary Highways.

Unnecessary highways may be declared not repairable at the public expense.

17. If any authority liable to keep any highway in repair is of opinion that so much of such highway as lies within any parish situate in a petty sessional division is unnecessary for public use, and therefore ought not to be maintained at the public expense, such authority (in this section referred to as “the applicant authority”) may apply to the court of summary jurisdiction of such petty sessional division to view by two or more justices being members of the court, the highway to which such application relates, and on such view being had, if the court of summary jurisdiction is of opinion that the application ought to be proceeded with, it shall by public notice appoint a time and place, not earlier than one month from the date of such notice, at which it will be prepared to hear all persons objecting to such highway being declared unnecessary for public use, and not repairable at the expense of the public.

On the day and at the place appointed, the court shall hear any persons objecting to an order being made by the court that such highway is unnecessary for public use and ought not to be repairable at the public expense, and shall make an order either dismissing the application or declaring such highway unnecessary for public use, and that it ought not to be repaired at the public expense.

If the court make such last-mentioned order as aforesaid, the expenses of repairing such highway shall cease to be defrayed out of any public rate.

Public notice of the time and place appointed for hearing a case under this section shall be given by the applicant authority as follows, that is to say:—

(1.) By advertising a notice of the time and place appointed for the hearing and the object of the hearing, with a description of the highway to which it refers in some newspaper circulating in the district in which such highway is situate once at the least in each of the four weeks preceding the hearing; and,

(2.) By causing a copy of such notice to be affixed to the principal doors of every church and chapel in the parish in which such highway is situate to which doors notices are usually affixed.

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And the application shall not be entertained by the court until the fact of such public notice having been given is proved to its satisfaction.

If at any time after an order has been made by a court of summary jurisdiction under this section, upon application of any person interested in the maintenance of the highway in respect of which such order has been made, after one month's previous notice in writing thereof to the applicant authority, it appears to any court of quarter sessions that from any change of circumstances since the time of the making of any such order as aforesaid such highway has become of public use, and ought to be maintained at the public expense, the court of quarter sessions may direct that the liability of such highway to be maintained at the public expense shall revive from and after such day as they may name in their order, and such highway shall thenceforth be maintained out of the local rate; and the said court of quarter sessions may by their order direct the expenses of and incident to such application to be paid as they may see fit.

Any order of a court of summary jurisdiction under this section shall be deemed to be an order made on determining a complaint under this Act from which an appeal lies to a court of quarter sessions.

Highway Districts.

18. The justices of every county which is capable of being divided into highway districts, and which has not been completely so divided, shall, at the quarter sessions holden next after the passing of this Act, take into consideration the division or completion of the division of their county into highway districts, and shall, before the *first day of February one thousand eight hundred and seventy-seven*, either make orders, pursuant to the Highway Acts, dividing or completing the division of their

Justices to take into consideration the propriety of dividing or completing division of county into highway districts.

A.D. 1876. county into highway districts, or pass a resolution declining to make or to complete such division, and a copy of any such resolution shall be forwarded to the Local Government Board.

A proposal for making or completing the division of their county into highway districts may be made by the justices themselves in quarter sessions assembled, or any of them, without any such requisition as is mentioned in section five of the Highway Act, 1862, and service of the notices therein mentioned shall not be required.

Highway districts to be made so far as possible coincident with rural sanitary districts.

19. In forming any highway districts, or in altering the boundaries of any highway districts after the passing of this Act, the justices of a county shall have regard to the boundaries of the rural sanitary districts in their county, and shall, so far as may be expedient, form each highway district so as to be coincident in area with a rural sanitary district.

Expenses of highway boards to be paid out of district fund.

20. All expenses incurred by any highway board in maintaining and keeping in repair the highways of each parish within their district, and all other expenses legally incurred by such board, shall on and after the *first day of April one thousand eight hundred and seventy-seven* be deemed to have been incurred for the common use or benefit of the several parishes within their district, and shall be charged on the district fund.

Highway boards may combine to appoint a district surveyor.

21. Any two or more highway boards may unite in appointing and paying the salary of a district surveyor, who shall in relation to the district of each of the boards by whom he is appointed have all the powers and duties of a district surveyor under the Highway Acts.

Audit of accounts of highway boards.

22. The accounts of every highway board shall be in such form as may from time to time be directed by any general or special order of the Local Government Board, and shall be made up and balanced to the *thirty-first day of March* in each year, and as soon as conveniently may be after such day the said accounts shall be audited and examined by the auditor of accounts relating to the relief of the poor for the audit district in which the highway district is situate, and if the highway district is situate in more than one audit district, then by the auditor of such of the said audit districts as the Local Government Board may direct. Every such auditor shall (as nearly as may be) have in relation to the accounts of a highway board the same powers and duties as he has in the case of accounts relating to the relief of the poor; and any person aggrieved

by the decision of the auditor shall have the same rights and remedies as in the case of such last-mentioned audit. A.D. 1876.

23. Where a highway district is situate in two or more counties, it shall be deemed for the purposes of this Act to be situate in such one of those counties as the Local Government Board may by order direct. Provision as to highway district in more than one county.

County Road Authority.

24. For the purposes of this Act the county road authority shall, in a county which is completely divided into highway districts, be a county road board to be established as in this Act mentioned, and in a county which is not completely divided into highway districts shall be the justices in quarter sessions assembled. Constitution of county road authority.

25. When on the first day of July one thousand eight hundred and seventy-seven the justices are the county road authority in a county, but a county road board is afterwards established in that county, such county road board shall be subject to all debts and liabilities which may previously have been incurred by the justices in their capacity of a county road authority in respect of the main roads of such county, and shall be entitled to any rights, easements, or other property in relation to such main roads as may have belonged to such justices in their capacity of a county road authority. Transfer of powers on future formation of county road board.

Constitution and Officers of County Road Board.

26. There shall be established in each county which at the date of the passing of this Act is or may hereafter be completely divided into highway districts, a board, in this Act called a county road board, consisting of representatives of the highway boards for such districts, (in this Act referred to as highway representatives,) and of representatives of the justices acting in and for the county. Establishment of county road boards.

One highway representative shall be chosen by the highway board of every highway district in the county.

The representatives of the justices shall be equal in number to the highway representatives, and shall be chosen by the justices acting in and for the county in quarter sessions assembled.

The representatives both of the highway boards and of the justices shall be chosen annually.

27. A person shall not be qualified to be a member of a county road board as a highway representative, unless he is at the date of his being chosen a member of the highway board which he represents. Qualification of members of board.

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A person shall not be qualified to be a member of a county road board as a representative of justices unless he is at the time of his being chosen a justice acting in and for the county which he represents.

A member of a county road board, when chosen, shall not 5 during his period of office vacate his seat at the county road board by reason only of his losing the qualification required of him at the time of his being chosen.

Disqualifica-
tion of mem-
bers of
board.

28. If any member of a county road board—

1. Holds any office or place of profit under the board; or, 10
2. Participates in the profits of any work done by order of the board; or,
3. Is concerned in or participates in the profit of any contract entered into by the board,

such person shall cease to be a member of the board, and his office 15 shall thereupon become vacant, subject to the exceptions following; (that is to say,)

1. A member of the board shall not vacate his office by reason of his being a shareholder in any company entering into any contract with or supplying any article by order of the board; 20 and,
2. A member of the board shall not vacate his office by reason of his being interested in any sale or lease of any lands or any loan of money to the board:

Nevertheless a member of the board shall not be entitled to vote in 25 respect of any contract with or any supply of articles by order of the board when such contract is entered into with or articles supplied by any company in which he is a shareholder, or in respect of any question connected therewith, or in respect of any such sale, lease, or loan as herein-before mentioned, and if he does 30 so vote his vote shall not be counted, and he shall incur for each time when he so votes a penalty not exceeding *twenty pounds*, to be recovered in a summary manner.

Member to
produce
certificate
before taking
seat at board.

29. Every member of a county road board, before taking his 35 seat as a member, shall produce a certificate of his having been duly chosen, signed in the case of a highway representative by the clerk of the board which he represents, and in the case of a representative of the justices by the clerk of the peace of the county.

A member of a county road board representing a highway board 40 may, if qualified, sit as a representative of more than one board, but he shall be entitled to one vote only.

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Power for
board to
appoint
standing
committees.

30. A county road board may from time to time appoint a committee or committees of their number, and may fill up any vacancy in each such committee arising from death, resignation, or any other causes, and may delegate to such committee any powers, other than the power of borrowing money, conferred on them by this Act. The members of any committee may from time to time be increased or diminished by the board, with the qualification that a committee shall not in any case consist of less than five members.

10 The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst the members.

Legal status
of board.

15 31. (1.) A county road board shall be a body corporate, by the name of the county road board of the county to which they belong, having a perpetual succession and a common seal, with a power to acquire and hold lands for the purposes of their constitution, without any licence in mortmain; and

20 (2.) Any act or proceeding of the board shall not be questioned on account of default being made in the election of representatives of any highway board or of the justices, or on account of any other vacancy or vacancies in the board, so that the board consist for the time being of not less than two thirds of its complete number; and

25 (3.) Any defect in the qualification or election of any person or persons acting as members or member of the board or of a committee of the board shall not be deemed to vitiate any proceedings of such board or committee in which he or they have taken part in cases where the majority of members parties to such proceedings are duly entitled to act; and

30 (4.) A member of a county road board, by being party to, or executing in his capacity of member, any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall not be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and the board may apply any moneys from time to time coming into their hands for the purpose of paying any costs of legal proceedings or damages they may incur in execution of the powers granted to them; and

40 (5.) Any minute made of proceedings at meetings of the board or of committees of the board, if signed either at the meeting of the board or of the committee at which such

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proceedings took place, or at the next ensuing meeting of the board or of the committee, by any person purporting for the time being to be the chairman of the board or of the committee, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; 5 and until the contrary is proved every meeting of the board or of any committee of the board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified. 10

County officers to serve board, but others may be appointed.

32. The clerk of the peace, treasurer, and county surveyor shall respectively perform the same duties in relation to and obey the orders of the county road board in respect of all matters within their jurisdiction, in the same manner as if the county road board were the body of justices of the county in quarter sessions 15 assembled; and in the event of any additional duties being imposed on such officers by or in pursuance of this Act, the county road board may pay them additional remuneration out of any funds at their disposal; but subject as aforesaid and in the event of such officers being unable to perform all the duties 20 required to be performed by officers of the county road board under this Act, the county road board may appoint such surveyors and officers as they think necessary, and assign to such officers their duties; they may from time to time remove any of such officers, and appoint others in the room of such as may be so 25 removed, or as may die or resign; they may also, out of any funds at their disposal, pay such salaries as they think reasonable to such officers. Any appointment of an officer of a county road board may be made by minute of the board, and countersigned by the clerk of the board, and any appointment so made shall be as 30 valid as if it had been made under the seal of the board.

County offices to be used by board, with power to provide other offices.

33. A county road board may use for the purpose of transacting their business any buildings which the justices might use for a like purpose, and if such buildings are insufficient may hire premises either within or without their county or otherwise acquire a 35 convenient office for holding their meetings and the transaction of their business; and where in any place there is any room the expense of maintaining which is payable out of any rates or public moneys, such room may, with the consent of the person or corporation having the control over the same, be used for the purpose of 40 holding the meetings and transacting the business of a county road board.

34. The regulations contained in the first, second, third, and fourth parts of the Schedule hereto, relating to the election and meetings of county road boards, to supplemental provisions as to county road boards, to proceedings of county road boards, and to proceedings of committees of county road boards, shall be of the same force as if they were enacted in the body of this Act, and shall be deemed to be part of this Act.

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Regulations
as to county
boards in
Schedule.

Committee of Justices.

35. Where the justices in quarter sessions assembled are the county road authority, they may from time to time form a committee consisting of such number of their own members as they think fit, and may fill up any vacancy in such committee arising from death, resignation, or any other cause, and may delegate to such committee any powers, other than the power of borrowing money, conferred on them by this Act.

Standing
committee
of justices.

A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

20 A committee may meet and adjourn as they think proper. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote.

25 The proceedings of a committee shall not be invalidated by any vacancy or vacancies among its members, or by the termination of the sessions of the justices by whom they were appointed.

Byelaws by County Road Authority.

36. The county road authority may from time to time make, with respect to all or any main roads or other highways within their jurisdiction, and when made alter, add to, or repeal byelaws for all or any of the purposes following; that is to say,

Power of
county road
authority to
make bye-
laws.

(1.) For prohibiting the use of any waggon, wain, cart, or carriage drawn by animal power and having wheels of which the fellies or tires are not of such width in proportion to the weight carried by, or to the size of, or to the number of wheels of such waggon, wain, cart, or carriage, as may be specified in such byelaws; and

(2.) For prohibiting the use of any waggon, wain, cart, or other carriage drawn by animal power not having the nails on its wheels countersunk in such manner as may be specified

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in such byelaws, or having on its wheels bars or other projections forbidden by such byelaws; and

- (3.) For prohibiting the locking of the wheel of any waggon, wain, cart, or carriage drawn by animal power when descending a hill, unless there is placed at the bottom of such wheel during the whole time of its being locked a skidpan, slipper, or shoe in such manner as to prevent the road from being destroyed or injured by the locking of such wheel; and

- (4.) For prohibiting the erection of gates across highways and prohibiting gates opening outwards on highways.

Pecuniary penalties, to be recovered summarily, may be imposed by any such byelaws on persons breaking any byelaw made under this section, provided that no penalty exceeds for any one offence the sum of *two pounds*, and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the penalty.

A byelaw made under this Act, and any alteration made therein and any repeal of a byelaw, shall not be of any validity until it has been confirmed by the Local Government Board.

A byelaw made under this Act shall not nor shall any alteration therein or addition thereto or repeal thereof be confirmed by the Local Government Board until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the county road authority in one or more newspapers circulating in their county; and any vestry or road authority or person aggrieved by any such proposed byelaw or alteration in or repeal of a byelaw may forward notice of their or his objection to the Local Government Board, who shall take the same into consideration.

Expenses of County Road Authority.

Expenses of
county road
authority
to be de-
frayed out
of county
road fund.

37. All expenses incurred by a county road authority in pursuance of this Act shall be defrayed out of a fund to be called the county road fund, to be contributed by every contributory highway area within the county, in proportion to the rateable value of the property within such area, such value to be ascertained according to the valuation list for the time being in force, or in such other manner as may be prescribed by the Local Government Board.

Mode of
obtaining
contribution

38. For the purpose of obtaining payment from the several contributory highway areas within the county of the sums to be

contributed by them to the county road fund, the county road authority shall cause precepts to be issued to the highway authorities of such areas requiring their contributions to be paid to the treasurer of the county within a time to be limited by the precept.

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from highway authorities for expenses of county road authority.

- 5 Where a contributory highway area is a highway district the highway board shall be deemed to be the highway authority of such area.

Where a contributory highway area is a highway parish the surveyor shall be deemed to be the highway authority of such area.

- 10 The precept issued by the county road authority shall state the amount in the pound of contribution required, and the officer collecting in any parish the rate shall specify, on the receipt given to any ratepayer for such rate, the amount collected in respect of such contribution.

- 15 The occupier under a contract of tenancy existing at the date of the passing of this Act of any premises in respect of which he is rated for the purposes of this Act may, during the term of such contract, deduct from the growing rent due to the owner of such premises one half of the rate payable by him towards the expenses
20 of a county road authority, and every owner shall allow such deduction accordingly.

- The owner for the purposes of this section shall be the person for the time being entitled to receive the rackrent of the premises in respect of which the rate is made on his own account, or who would
25 be entitled to receive the same if such premises were let at a rackrent, including under the term rackrent any rent which is not less than two thirds of the net annual value of the premises out of which the rent issues.

- If any highway authority to whom a precept is addressed in
30 pursuance of this section fail to comply with the requisitions thereof, the county road authority may enforce the levy of the amount specified in such precept by mandamus or other legal process, or may appoint a person to levy such amount of local rate within the jurisdiction of the defaulting authority as will in the opinion of the
35 county road authority be sufficient to defray the sum mentioned in the precept, and all expenses of levying the same, together with a proper remuneration to the officer appointed to make the levy.

- Any person so appointed by the county road authority to levy a rate in pursuance of this section shall have the same powers of
40 making and levying the local rate as if he were the highway authority of the area within which such rate is levied.

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Recovery of
expenses by
county road
authority.

39. Where the county road authority repair the whole of any main road situate within a contributory highway area, they may recover so much of the expenses of such repair as are not payable out of the county road fund from the highway authority of such area in the same manner in which they are by this Act empowered 5 to recover a contribution from such authority towards the county road fund, or as near thereto as circumstances admit.

Power of
county road
authority to
borrow on
security of
county road
fund.

40. For the purposes of this Act, the county road authority of any county may with the sanction of the Local Government Board from time to time borrow as one loan or as several loans in manner 10 provided by the Local Loans Act, 1875, on the security of the county road fund, such moneys as they may require.

The whole of the moneys borrowed by the county road authority under this Act, whether as one loan or as several loans, shall be discharged within a period not exceeding the period prescribed by 15 the Local Government Board.

Power of
Public
Works Loan
Commis-
sioners to
lend.

41. *The Public Works Loan Commissioners may advance to the county road authority of any county by way of loan, to bear interest at per centum, on the security of the county road fund and without any other security, any moneys authorised to be borrowed 20 by a county road authority for the purposes of this Act.*

The Public Works Loan Commissioners shall take, in respect of any loan advanced by them under this Act, in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer; and for the 25 purposes of any loan so made, and so far as relates to the securities taken and to the recovery of the moneys due on such securities the Local Loans Act, 1875, shall be deemed to be substituted for the Public Works Loans Act, 1875.

Set off of
account be-
tween county
road autho-
rity and con-
tributory
areas.

42. The county road authority shall set off against any sums for 30 the time being due to them from a contributory highway authority any sums for the time being payable to such contributory highway authority out of the county road fund, and so far as is practicable the balances only due on a periodical settlement of accounts between the county road authority and the various contributory 35 highway authorities within the jurisdiction of such county road authority shall be actually paid.

Audit of
accounts of
county road
board.

43. The accounts of every county road board shall, in every year, be made up and balanced on such day as may from time to time be directed by any general or special order of the Local Government 40

Board, and as soon as conveniently may be after such day the said accounts shall be audited and examined by such auditor as the Local Government Board may appoint. A.D. 1876.

Every such auditor shall, as nearly as may be, have in relation to the accounts of a county road board the same powers and duties as an auditor of accounts relating to the relief of the poor has, and any person aggrieved by the decision of the auditor shall have the same rights and remedies as in the case of an audit of accounts relating to the relief of the poor.

10 *Urban and Rural Sanitary Districts.*

44. The Local Government Board, if they think it expedient so to do, may, on the application of the urban sanitary authority of any urban sanitary district, or of any board established in pursuance of section eighteen of the Highway Act, 1835, or of any authority having the management of the highways in any parish or place, or part of a parish or place, the highways whereof are maintained under the provisions of any local Act of Parliament, by order declare such sanitary district, parish, or place to be a contributory highway area under this Act, and such district, parish, or place shall become such an area accordingly from and after a date to be specified in such order, and may by such order, if they think it expedient so to do, except from the provisions of this Act relating to the maintenance of main roads, any part of such road as, being in a town or other inhabited place, is used as a footway for foot passengers only, and when such exception is made, the carriage-way only shall, to the extent of such exception, for the purposes of this Act be deemed to be a main road. Power to declare urban sanitary and certain other districts contributory highway areas.

The Local Government Board may, by order if they think fit, provide for the representation on a county road board of any sanitary district, parish, or place becoming a contributory highway area under this section, and may for that purpose make regulations as to the qualification of the representative of any such district, parish, or place, and as to the mode of his election, and as to the mode in which the necessary expenses thereof are to be defrayed, and as to any other matter required for the purpose of carrying such order into effect.

The Board may also, by order, unite for the purpose of choosing a common representative on the county road board, two or more such sanitary districts, parishes, or places as are mentioned in this section, and are contributory highway areas, and may by such order make such regulations as to the qualification of such representative, as to the mode of his election, as to the expenses of

A.D. 1876. such election, and generally for the purpose of carrying into effect such union as the Local Government Board may think just.

Power for
rural sanitary
authority to
become high-
way board.

45. Where a rural sanitary district is coincident in area with a highway district, the rural sanitary authority of such first-mentioned district may apply to the Local Government Board, stating that they are desirous to exercise the powers of a highway board under the Highway Acts within their district. 5

On such application the Local Government Board may, if they see fit, and if the highway board by resolution give their consent, by order declare that from and after a day to be named in the order (in this Act called the commencement of the order) such rural sanitary authority shall exercise all the powers of a highway board under the Highway Acts; and the existing highway board for the district shall be dissolved, and waywardens shall not hold office or be elected for any parish in the district. 10 15

All expenses incurred by a rural sanitary authority in the performance of their duties as a highway board shall be deemed to be general expenses within the meaning of the Public Health Act, 1875.

An order made under this section may be from time to time amended, altered, or rescinded by the Local Government Board. 20

Conse-
quences of
rural sanitary
authority
becoming
highway
board.

46. From and after the commencement of the order declaring a rural sanitary authority entitled to exercise the powers of a highway board under the Highway Acts within their district, the following consequences shall ensue : 25

All such property, real or personal, including all interests, easements and rights in to and out of property real and personal and including things in action, as belong to or are vested in, or would but for this Act have belonged to or been vested in the highway board shall pass to and vest in the rural sanitary authority for all the estate and interest of the highway board, but subject to all debts and liabilities affecting the same; 30

All debts and liabilities incurred in respect of any property transferred to the rural sanitary authority may be enforced against that authority to the extent of the property transferred. 35

All such powers, rights, duties, liabilities, capacities, and incapacities (except the power of obtaining payment of their expenses by the issue of precepts in manner provided by the Highway Acts) as are vested in or attached to or would but for this Act have become vested in or attached to the highway board shall vest in and attach to the rural sanitary authority. 40

All property by this Act transferred to the rural sanitary authority shall be held by them on trust for the several parishes or places maintaining their own highways within their district for the benefit of which it was held by such highway board. A.D. 1876.

- 5 47. Where a rural sanitary authority has become the highway board for their district, they shall be represented on the county road board in the same manner so far as circumstances admit as if they were a highway board, but the representative chosen shall be a member of the rural sanitary authority, and shall be
 10 chosen by a resolution of that authority at or about the same time as highway representatives of highway districts are chosen in pursuance of this Act.
- Representa-
tion on
county road
board of
ruralsanitary
authority.

Legal Proceedings.

48. All expenses directed to be recovered in a summary manner
 15 under this Act may be recovered as penalties, and all offences and penalties under this Act or any byelaw made thereunder, including the above-mentioned expenses directed to be recovered as penalties, may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.
- 20 The expression "The Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to sum-
 25 " many convictions and orders," inclusive of any Acts amending the same.
- Recovery of
expenses
and penal-
ties.

- The expression "Court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever
 30 name called, to whom jurisdiction is given by the Summary Jurisdiction Acts: Provided that the court when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty session, or of some
 35 magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

49. If any party thinks himself aggrieved by any conviction or
 40 order made by a court of summary jurisdiction on determining any information or complaint under this Act, the party so aggrieved
- Form of
appeal to
quarter
sessions.

A.D. 1876. — may appeal therefrom, subject to the conditions and regulations following :

- (1.) The appeal shall be made to the next court of quarter sessions for the county or place in which the cause of appeal has arisen holden not less than twenty-one days after the decision of the court from which the appeal is made; and 5
- (2.) The appellant shall, within ten days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal and of the ground thereof; and 10
- (3.) The appellant shall, within three days after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow; and 15
- (4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody: 20
- (5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just. 25 30

Definitions.

Definitions. 50. "County" has the same meaning in this Act as it has in the Highway Acts, 1862 and 1864, as amended by any subsequent Act: 35

"Metropolis:" "The Metropolis" means the parishes and places mentioned in the Schedules A., B., and C., annexed to the Metropolis Management Act, 1855, and any parish to which such Act may be extended by Order in Council in manner in the said Act provided; also the city of London and the liberties of the said city: 40

"Highway district" means a district constituted in pursuance of "The Highway Act, 1862," and "The Highway Act, 1864," or one of such Acts : .

A.D. 1876.

"Highway district :"

"Highway board" means the highway board having jurisdiction within a highway district :

"Highway board :"

A county shall be deemed to be completely divided into highway districts when the justices of such county have in pursuance of the Highway Acts, 1862 and 1864, or one of such Acts, constituted the whole or such part of their county as they are authorised to constitute a highway district, or have included in highway districts so much of their county as they are by the said Acts, or one of them, authorised to include in highway districts.

"Highway parish" means a parish separately maintaining its own highways, and capable of being included in a highway district in pursuance of the Highway Acts, 1862 and 1864, or one of such Acts.

"Highway parish :"

"Urban sanitary district" and "urban sanitary authority" mean respectively the districts and authorities declared to be urban sanitary districts, and authorities by the Public Health Act, 1875 :

"Urban sanitary district :"

"Rural sanitary district" and "rural sanitary authority" mean respectively the districts and authorities declared to be rural sanitary districts and authorities by the Public Health Act, 1875 :

"Rural sanitary district :"

"Local rate" means as respects any contributory highway area, the rate for the time being applicable to the payment of the expenses of repairing the highways in such area, exclusive of the county road fund.

"Quarter sessions" includes general sessions :

"Quarter sessions :"

"Petty sessional division" means any division for the holding a special sessions formed or to be formed under the provisions of the Act of the ninth year of the reign of His late Majesty King George the Fourth, chapter forty-three, or any Act amending the same ; also any division of a county, or of a riding, division, parts, or liberty of a county, having a separate commission of the peace, in and for which petty sessions or special sessions are usually held, whether in one or more place or places, in accordance with any custom, or otherwise than under the said last-mentioned Act ; but does not include any city, borough, town corporate, or district constituted a petty sessional division by the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter eighteen, intituled "An Act for the holding of petty sessions of the peace in boroughs, and for providing places for the holding of such petty sessions in counties and boroughs :"

"Petty sessional division :"

A.D. 1876. "Trustees" includes the trustees, commissioners, and all persons authorised and empowered by any special Act to carry into execution turnpike trusts:

"Creditors:" "Creditors" includes mortgagees, bondholders, and all creditors holding legal or equitable securities on the tolls of turnpike trusts: 5

"Debt." "Debt" includes mortgages, bonds, notes, securities, and all other liabilities attaching to turnpike trusts.

South Wales.—Repeal of Acts.

Repeal of
South Wales
Turnpike
and Highway
Acts.

51. On and after the first day of January one thousand eight hundred and seventy-eight, the following Acts shall, unless otherwise provided by Parliament, be repealed; that is to say, 10

- (1.) The Act passed in the session of the seventh and eighth years of the reign of Her present Majesty (chapter ninety-one), intituled "An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales;" and 15
- (2.) The Act passed in the session of the eighth and ninth years of the reign of Her present Majesty (chapter sixty-one), intituled "An Act to make further provisions for the consolidation of Turnpike Trusts in South Wales;" and
- (3.) The Act passed in the session of the tenth and eleventh 20 years of the reign of Her present Majesty (chapter seventy-two), intituled "An Act for the further amendment of the Laws relating to Turnpike Roads in South Wales;" and
- (4.) The Act passed in the session of the twenty-third and 25 twenty-fourth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for the better management and control of the highways in South Wales;" and
- (5.) The Act passed in the session of the thirty-eighth and 30 thirty-ninth years of the reign of Her present Majesty (chapter thirty-five), and bearing the short title of The South Wales Turnpike Trusts Amendment Act, 1875.

Provided that—

This repeal shall not affect

- (a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or
- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby re- 40

(c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed. A.D. 1876.

And on and after the said *first day of January one thousand five hundred and seventy-eight*, this Act shall apply to the counties to which the above-mentioned Act, passed in the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for the better management and control of the highways in South Wales,"
10 extends.

A.D. 1876.

SCHEDULE.

PART I.

Election and Meetings of County Road Boards.

1. The first election of the representatives of justices to a county road board shall take place at the Epiphany quarter sessions held 5 next succeeding the passing of this Act, or next succeeding the complete division of the county into highway districts (whichever first happens), or at such other time as may be appointed by the Local Government Board. Subsequent elections shall take place at the same quarter sessions in any succeeding year, or at such 10 other time as may be appointed by the Local Government Board.

2. Representatives of the justices shall be chosen by a resolution of the justices in quarter sessions assembled.

3. The first election of highway representatives to a county road board shall take place at the first meeting of the highway board after 15 the annual election of waywardens in the year one thousand eight hundred and seventy-seven, or in the year next succeeding the complete division of the county into highway districts (whichever first happens), or at such other time as the Local Government Board may appoint. 20

4. Highway representatives shall be chosen by a resolution of the highway board.

5. Subsequent elections of highway representatives shall take place in every succeeding year, at the first meeting of the highway board after the annual election of waywardens in that year, or at 25 such other time as the Local Government Board may appoint.

6. The first meeting of a county road board in any county shall be held at such time not being later than four weeks after the election of members of the county road board as may be prescribed by any general or special order of the justices of the county in 30 quarter sessions assembled, or in default of such order, by the Local Government Board.

7. The persons chosen to be members of a county road board shall not act as such until the first meeting of such board held in every year after their election. 35

8. If a county road board make default in holding its first meeting in pursuance of this Act, such board shall not thereupon become

A.D. 1876.
—

disqualified from acting, but the justices of the county in quarter sessions assembled, on the application of any person liable to pay highway rates in the county, may make such order as they think fit for the holding of such meeting at some other time, and any
5 order so made shall be deemed to be an order capable of being removed into the High Court of Justice in pursuance of the Act passed in the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter forty-five, and may be enforced accordingly; and the costs of any such application to the
10 court of quarter sessions in pursuance of this section shall, unless the court otherwise directs, be defrayed out of the county road fund.

PART II.*Supplemental Provisions as to County Road Boards.*

- 15 (1.) Retiring representatives shall be re-eligible; and
- (2.) A casual vacancy in the office of any representative on a county road board shall be filled up, in the case of a representative of the justices, by the representatives of the justices on such board, and in the case of a highway
20 representative by the highway representatives on such board; but any person appointed to fill a casual vacancy shall hold office so long only as the vacating representative would have held office if no casual vacancy had occurred; and
- 25 (3.) If from any cause whatever an election of representatives of the justices or highway representatives does not take place on the day appointed for such election, the retiring representatives of the justices or retiring highway representatives shall, if willing to serve, continue in
30 office during the ensuing year; and
- (4.) Subject as aforesaid, the Local Government Board may on the application of any person liable to contribute to the expenses of the county road board, by order provide for
35 any non-election of a county road board or any insufficient election of members of a county road board, and may in such order either direct a new election to be held or nominate some duly qualified person to fill any vacancy for the time being existing in such board, or otherwise

A.D. 1876.

deal with the case as the Local Government Board may think just.

PART III.

Proceedings of County Road Boards.

1. A county road board shall meet for the despatch of business, 5
and shall from time to time make such regulations with respect to
the summoning, notice, place, management, and adjournment of
such meetings, and generally with respect to the transaction and
management of business, as they think fit, subject to the following
conditions :

- (a.) The first meeting shall be held at such time as is in this Act 10
mentioned ; and
- (b.) Not less than four ordinary meetings shall be held in each
period of twelve months ; and
- (c.) An extraordinary meeting may be summoned at any time on 15
the requisition of three members of the board ; and
- (d.) Every question shall be decided by a majority of votes of
the members present and voting on that question ; and
- (e.) The names of the members present at a meeting, and, upon
a requisition made by three or more members voting on 20
a question, the names of the members voting on that
question, shall be recorded.

2. The board shall, at the first meeting, and afterwards from
time to time at their first meeting after each annual appointment
of members of the board, appoint one of their members to be 25
chairman, and one other of their members to be a vice-chairman
for the year following such choice.

3. If any casual vacancy occur in the office of chairman or
vice-chairman, the board shall, as soon as they conveniently can
after the occurrence of such vacancy, choose some member of 30
their number to fill such vacancy ; and every such chairman or
vice-chairman so elected as last aforesaid shall continue in office so
long only as the person in whose place he is so elected would have
been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time 35
appointed for holding the same, or within fifteen minutes after such
time, the vice-chairman shall be the chairman of the meeting ; and
if neither the chairman nor vice-chairman be present, then the
members present shall choose some one of their number to be a
chairman of such meeting. 40

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote. A.D. 1876.

6. All orders of the board for payment of money and all precepts issued by the board, and all contracts made by or on behalf of the board, except contracts required to be under seal, shall be deemed to be duly executed if signed by two or more members of the board authorised to sign them by a resolution of the board, and countersigned by the clerk or other officer of the board appointed to countersign such orders and precepts; but it shall not be necessary in any legal proceeding to prove that the members signing any such order, precept, or contract were authorised to sign it, and such authority shall be presumed until the contrary is proved.

PART IV.

15 *Proceedings of Committees of County Road Board.*

1. Every committee of a county road board shall, in the exercise of their powers, conform to any regulations that may be imposed on them by the county road board of which they are a committee.

2. A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, or within fifteen minutes after such time, the members present shall choose one of their number to be chairman of such meeting.

3. A committee may meet and adjourn as they think proper. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote.

A

B I L L

To amend the Law relating to Highways
in England, and for other purposes.

(Prepared and brought in by
Mr. Selater-Booth and Mr. Salt.)

Ordered, by The House of Commons, to be Printed,
10 April 1876.

[Bill 129.]
Under 5 oz.

A.

B I L L

TO

Amend the Law relating to Homicide.

A.D. 1876.

WHEREAS the various offences which are legally characterized
as murder differ greatly from each other in heinousness and
atrociousness, and it is not just that the same punishment should be alike
applicable to all :

Preamble.

5 Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

10 1. The crime of murder shall be divided into offences of the first
and second degrees.

Crime of murder
divided into first and
second degrees.

2. The degree of murder shall be found by the jury, upon the
facts submitted to them.

Degree of murder to
be found by the jury.

15 3. Murder in the first degree is the unlawful killing of a human
being by another, with deliberate intent to kill, and with malice
aforethought.

Definition of murder
in the first degree.

4. It is also murder in the first degree where death has been
caused by the wilful act of any person when committing or
attempting to commit any felony, or when assaulting any peace
officer or soldier in the lawful execution of his duty, or when
20 attempting to rescue himself or another person from lawful
custody.

Specific acts consti-
tuting murder in the
first degree.

5. Except as herein-after provided, any person convicted of
murder in the first degree shall suffer *death* as a felon.

Punishment of persons
convicted of murder
in the first degree.

25 6. Where the jury find the prisoner guilty of murder, or of being
accessory thereto, but not of murder or being accessory thereto,
in the first degree, the crime of which he has been so convicted
shall be deemed murder or being accessory thereto in the second
degree.

Definition of murder
in the second degree.

7. Any person convicted of murder in the second degree shall be
30 punishable with *penal servitude for life*, or for any period not less
[Bill 75.]

Discretionary punish-
ments of persons
convicted of murder
in the second degree.

A.D. 1876.

than *seven years*, or with imprisonment with hard labour for any period not exceeding *two years*.

Punishments of accessories before and after the fact to murder in the first degree.

8. An accessory before the fact to murder in the first degree shall be punishable as the principal, and an accessory after the fact to murder in the first degree shall be punishable for any period not less than *seven years*.

Punishments of accessories before and after the fact to murder in the second degree.

9. An accessory before the fact to murder in the second degree shall be punishable as the principal, and an accessory after the fact to murder in the second degree shall be punishable with penal servitude for *ten years*, or for any period not less than *five years*, or with imprisonment with or without hard labour for any period not exceeding *two years*.

Infanticide in certain cases murder in the second degree.

10. Except as to any aid or abettor thereof, infanticide is murder in the second degree in all cases where the death of the child has been caused by the unlawful and malicious act of its mother, provided such act was committed at the time of the child's birth, or within *seven days* after.

Proof of child having been alive only required, but not of having been completely born.

11. In any trial for infanticide it shall not be necessary to prove that the child was completely born alive, but only that it was living at the time the alleged act of infanticide was committed.

Repeal of latter part of clause 60 of 24 & 25 Vict. c. 100.

12. In any trial for infanticide it shall not be competent for the jury to find a verdict of concealment of birth, but when such charge is made it must form the subject of a separate indictment.

Power of recording sentence of death restored to judges.

13. In the case of any person convicted of murder or being accessory before the fact thereto in the first degree, it shall be lawful for the judge to order sentence of death to be recorded without proceeding to pass sentence of death where he shall consider that under the special circumstances of the case the punishment of death ought not to be inflicted, and in such case the sentence upon the person so convicted shall be commuted to such punishment as would have been applicable upon conviction for murder, or for being accessory before the fact thereto in the second degree.

No change in form of indictments for murder.

14. Indictments for murder shall be drawn as heretofore.

In capital charges prisoner not to be called upon to plead.

15. In any trial for a capital offence the prisoner shall not be required to plead on arraignment, but the court and jury shall proceed to trial as if the prisoner had pleaded "not guilty."

No person sentenced to penal servitude for life under this Act, to be liberated unless order for liberation shall have

16. No person sentenced to penal servitude for life under the provisions of this Act shall be liberated during life unless the order for liberation with the grounds thereof shall have been previously

laid on the table of each House of Parliament for one calendar month.

—
been previously laid
on the tables of both
Houses of Parliament.

17. This Act shall be cited as The Homicide Law Amendment Act, 1876, and shall come into operation on *the first day of*
5 *November one thousand eight hundred and seventy-six.*

Title of Act, and time
of its coming into
operation.

Homicide Law Amendment.

A

B I L L

To amend the Law relating to
Homicide.

(Prepared and brought in by
Sir Eardley Milnes and Mr. Whitwell.)

*Ordered, by The House of Commons, to be Printed,
16 February 1876.*

[Bill 75.]

Under 1 oz.

A
B I L L

TO

Relieve certain Occupiers of Dwelling-houses from being A.D. 1876.
disqualified from the right of voting in the Election of
Members to serve in Parliament by reason of their under-
letting such Dwelling-houses for short terms.

WHEREAS questions have arisen upon the occupation required
by the third section of the Representation of the People Act,
1867 :

Be it therefore enacted by the Queen's most Excellent Majesty,
5 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. This Act shall be cited for all purposes as "The House Occu- Short title.
piers Disqualification Removal Act, 1876."

10 2. *From and after the passing of this Act* every man shall be Letting as
entitled to be registered and to vote under the provisions of the said furnished
section notwithstanding that during a part of the qualifying period house for
not exceeding *six months* in the whole he shall by letting or other certain
wise have permitted the qualifying premises to be occupied as periods not
15 a furnished house by some other person. to disqualify.

House Occupiers Dis- qualification Removal.

A

B I L L

To relieve certain Occupiers of Dwelling-houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their underletting such Dwelling-houses for short terms.

(*Prepared and brought in by*
Sir Henry Wolff, Sir Charles Russell, Mr. Ouslow,
and Mr. Ryden.)

Ordered, by The House of Commons, to be Printed,
9 February 1876.

[Bill 29.]

Under 1 oz.

A

B I L L

FOR

The Abolition of Imprisonment for Debt by the Inferior
Courts.

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. The power of imprisonment under the fifth section of the Debtor's Act, 1869, shall not, after the *last day of December one thousand eight hundred and seventy-six*, be exercised by any court or judge other than a superior court of law or of equity or a judge thereof.

Inferior
courts not to
imprison for
debt.

Imprisonment for Debt Abolition.

A

B I L L

For the Abolition of Imprisonment for
Debt by the Inferior Courts.

(Prepared and brought in by
*Mr. Fielden, Mr. Thomas Bass, Mr. Cobbet,
Mr. Anderson, and Mr. Knowles.*)

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 33.]

Under 1 oz.

Increase of the Episcopate Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Interpretation.
3. Commissioners to prepare schemes for dioceses.
4. Provisions in schemes.
5. Schemes for the creation of capitular bodies.
6. Bishop to be a body corporate, &c.
7. Capitular body to be a body corporate, &c.
8. Schemes to be subject to same provisions as schemes under 6 & 7 Will. 4., c. 77., and 3 & 4 Vict. c. 113., and Acts amending them.
9. Power vested in Her Majesty in Council and the Commissioners to extend to schemes under this Act.
10. No endowment from funds of Commissioners.
11. Income of new bishopric.
12. No scheme to be submitted for confirmation until sufficient moneys transferred to the Commissioners for securing bishop's income, nor to take effect till laid before Parliament.
13. If scheme not allowed Commissioners to repay contribution to donors.
14. Powers in the Ecclesiastical Leasing Acts to extend to this Act.
15. Number of bishops sitting in Parliament not to be increased.
16. Her Majesty may appoint to new sees until dean and chapter are appointed.

A
B I L L

FOR

Enabling Her Majesty and Her Successors to divide Dioceses and to erect additional Bishoprics in England and Wales. A.D. 1876.

WHEREAS it is expedient that under certain regulations Her Majesty and Her Majesty's successors should be enabled to divide dioceses, and to erect additional bishoprics in England and Wales :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Increase of the Episcopate Act, 1876." Short title.

2. The word "Commissioners" in this Act shall mean the Ecclesiastical Commissioners for England. Interpretation.

3. It shall be lawful for the Commissioners from time to time to prepare schemes for the erection of new bishoprics in England and Wales, by the division of any diocese then existing, or by the union of portions of the territories of two or more dioceses then existing, such division or union to take effect upon the consent of the bishop or bishops of the diocese or dioceses affected by the scheme being given, or otherwise upon the avoidance of the diocese or dioceses affected by all such bishops as do not consent to such scheme. Commissioners to prepare schemes for dioceses.

4. Every such scheme shall define the boundaries of the diocese of each proposed new bishopric, and shall provide for the existence of one or more archdeaconries within such diocese, and, where it is proposed that there shall be more archdeaconries than one, shall define the boundaries of the proposed archdeaconries, and shall propose some church within the limits of such diocese, either then Provisions in schemes.

[Bill 11.]

A 2

A.D. 1876. existing or intended to be forthwith built and consecrated as the cathedral church of such diocese, and shall declare the nature and amount of the endowment of the proposed new bishopric, and shall recommend such apportionment of ecclesiastical patronage between the bishops of any dioceses affected by the scheme, and the bishop of the proposed new diocese as shall in the opinion of the Commissioners afford to each bishop an adequate amount of patronage. 5

Schemes for the creation of capitular bodies.

5. It shall be lawful for the Commissioners either in the scheme for the erection of a new bishopric, or by a separate scheme at any time after the erection of such bishopric, to propose the creation of a dean and chapter, or a chapter, for such bishopric, and in such scheme to provide for the appointment of a dean, canons residentiary and non-residentiary, and other officers and servants of a cathedral or a chapter, as to the Commissioners shall seem fit, and to declare the persons or bodies politic or corporate in whom the patronage of the offices so to be appointed shall vest, and the stipends and emoluments which the holders of any such offices shall receive. 10 15

It shall be lawful for the Archbishop of Canterbury and the Archbishop of York, with the advice of the judge or judges of their provincial courts, to make statutes or ordinances as to the duties of the holders of such offices, and as to their residence at or near the cathedral; and no dean or canon or other officer or servant of a cathedral or chapter constituted or created under the provisions of this Act shall be bound to the performance of other duties or the observance of other or further residence than shall in such statutes or ordinances be enacted or required: Provided always, that such statutes and ordinances shall be appended to every scheme for the creation of a dean and chapter or a chapter before such scheme is submitted to Her Majesty in Council. 20 25 30

Bishop to be a body corporate, &c.

6. The bishop of any bishopric erected under the provisions of this Act shall be a body corporate, and shall have power to appoint the same or the like officers, and to hold the same or the like courts, as any bishop in England or Wales may now appoint or hold. 35

Capitular body to be a body corporate, &c.

7. Any dean and chapter, or chapter, created under the provisions of this Act shall be a body corporate, and shall be subject to the bishop as visitor and as ordinary.

Schemes to be subject to same provisions as schemes under

8. All schemes prepared in pursuance of this Act shall be submitted to Her Majesty in Council, and, if approved by Her Majesty, shall have the same force, and be subject to the same provisions, and be carried into effect in the same manner as the 40

schemes prepared by the Commissioners under the Acts of the six and seven William the Fourth, chapter seventy-seven, and of the three and four Victoria, chapter one hundred and thirteen, and the Acts amending the same.

6 & 7 Will. 4. c. 77., and 3 & 4 Vict. c. 113., and Acts amending them.

- 5 9. All the powers and authorities vested in Her Majesty in Council and in the Commissioners by the said Acts, and all the provisions of the same Acts relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended to Her Majesty in Council and to the Commissioners,
10 and to all schemes and orders to be prepared, made, and issued for the purposes or carrying into effect the provisions of this Act.

Power vested in Her Majesty in Council and the Commissioners to extend to schemes under this Act.

10. Nothing in this Act shall authorise the Commissioners to apply any portion of their common fund towards the endowment or maintenance of any bishop, dean and chapter, chapter, or other
15 office erected or created under the provisions of this Act.

No endowment from funds of Commissioners.

11. It shall be lawful for the Ecclesiastical Commissioners, if they think fit, in any scheme for the formation of a new bishopric under this Act, to attach to the bishopric thus formed a portion of the income of any bishopric the diocese of which is diminished by
20 the formation of the said new bishopric.

Income of new bishopric.

12. No scheme under this Act shall be submitted for confirmation to Her Majesty in Council until there shall have been paid or transferred to the Commissioners by voluntary gift or by bequest, or devise moneys, securities, or estates, of which the annual interest,
25 rents, or profits shall be sufficient to pay such a stipend to the bishop as shall be adequate for this purpose in the opinion of the Commissioners, and the stipends of all other persons (if any) to be appointed to any office under such scheme, according to the terms thereof; and no scheme for erecting a new bishopric, or
30 creating a new dean and chapter, or chapter, shall take effect until six weeks shall have elapsed after it has been laid before both Houses of Parliament, nor if within that time either House of Parliament shall have addressed the Crown in opposition to it.

No scheme to be submitted for confirmation until sufficient moneys transferred to the Commissioners for securing bishop's income, nor to take effect till laid before Parliament.

13. If within one year after any scheme for the erection of a
35 new bishopric, or the creation of a new dean and chapter, or chapter, shall have been submitted to Her Majesty in Council, the same, or some amended scheme for the like purpose shall not be allowed and take effect, the Commissioners shall upon any application made to them for that purpose repay, re-assign, or reconvey to any donor
40 thereof or to his representatives any moneys, or real or personal estate, which may have been paid or transferred to or vested in

If scheme not allowed Commissioners to repay contribution to donors.

A.D. 1876. — them by such donor for the endowment of the proposed bishopric, or other office, together with all income which may have arisen therefrom.

Powers in the Ecclesiastical Leasing Acts to extend to this Act.

14. The provisions relating to leases, appropriations, sales, or exchanges contained in the Ecclesiastical Leasing Acts shall extend to all property which may have become vested in the Commissioners for the purposes of this Act, save and except that the said provisions shall not apply to any property which may so become vested in the Commissioners by will and testament, until such property shall have been applied to the purposes for which it was devised or bequeathed.

Number of bishops sitting in Parliament not to be increased, 10 & 11 Vict. c. 108.

15. The second section of the Act of the session held in the tenth and eleventh years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for establishing the Bishopric of Manchester," is hereby repealed, and in lieu thereof be it enacted, that the number of Lords Spiritual now sitting and voting as Lords of Parliament shall not be increased by the creation of the Bishopric of Manchester, or of any new sees under this Act, and whenever there shall be a vacancy among the Lords Spiritual by the avoidance of any one of the sees of Canterbury, York, London, Durham, or Winchester, or of any other see which shall be filled by the translation thereto from any other see of a bishop at that time sitting as a Lord of Parliament, such vacancy shall be supplied by the issue of a writ of summons to the bishop who shall be elected to the same see, but if such vacancy be caused by the avoidance of any other see in England or Wales, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England or Wales, who shall not have previously become entitled to such writ, and if there be more than one bishop of a see in England or Wales who shall not have previously become entitled to such writ then to such one of the said bishops as shall have been the earliest appointed to a see in England or Wales, and no bishop who shall be hereafter elected to any see in England or Wales, not being one of the five sees above named, shall be entitled to have a writ of summons, except as herein provided.

Her Majesty may appoint to new sees until dean and chapter are appointed.

16. Her Majesty and Her Majesty's successors shall be empowered to nominate and appoint by letters patent to any bishopric erected under the provisions of this Act until the creation of a dean and chapter, or chapter, for such bishopric, and after any such creation any vacancy in the bishopric shall be filled up in the same manner as that hitherto in use, according to the provisions of the Act of the twenty-fifth of Henry the Eighth, chapter twenty.

Increase of the Episcopate.

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BILL

For enabling Her Majesty and Her Successors to divide Dioceses and to erect additional Bishoprics in England and Wales.

(*Prepared and brought in by*
Mr. Beresford Hope, Sir John Kenning, and
Mr. Thomas Brassey.)

Ordered, by The House of Commons, to be Printed,
9 February 1876.

[Bill 11.]

Under 1 oz.

Indian Legislation Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Repeal of Acts.
3. Extent of the legislative power of the Governor General of India in Council.
4. Disallowance by Her Majesty of Laws made by Governor General's Council.
5. Extent of the legislative power of the subordinate legislatures.
6. Subordinate legislatures not to legislate on certain subjects without previous sanction of Governor General in Council.
7. Disallowance by Her Majesty of Laws made by subordinate legislatures.
8. Bengal, Madras, and Bombay Regulations confirmed.
9. Validity of Acts of Governor General in Council not to be questioned by courts of justice in India except the High Courts.
10. Laws passed by Governor General in Council to be of same force as Acts of Parliament.

SCHEDULES.

- I. Enactments repealed.
- II. Acts of Parliament not to be repealed by Governor General in Council.

A

B I L L

TO

Amend the Law relating to Legislation in India, with a view to the Consolidation thereof. A.D. 1876.

WHEREAS it is expedient to amend the law relating to the legislative powers of the Governor General of India in Council, and of the Governors in Council of the Presidencies of Madras and Bombay, and of the Councils for making laws and regulations established or to be established under the powers contained in the forty-fourth and forty-fifth sections of the Indian Councils Act, 1861 :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be called The Indian Legislation Act, 1876. Short title.
2. The enactments specified in the First Schedule hereto shall be repealed to the extent mentioned in the second column of the said schedule. Repeal of Acts.

3. The Governor General of India in Council at Meetings for the purpose of making Laws and Regulations, shall have power to make laws, as follows :

- (a.) For all persons whatever, all courts whatever, and all places and things whatever, throughout the Indian Territories under the dominion of Her Majesty :
- (b.) For all persons, being Native Indian subjects of Her Majesty, without and beyond, as well as within the said territories :
- (c.) For all European British subjects of Her Majesty, and for all servants of the Government of India, within the Dominions of Princes and Native States in India in alliance with Her Majesty :

[Bill 54.]

A

A.D. 1876.

(d.) For all persons on the high seas on board British ships on a voyage between any two ports in Her Majesty's Indian Territories, or on a voyage from any port in the said Territories to any port between twenty-six degrees of south and thirty-two degrees of north latitude, and between 5 thirty-two and one hundred and four degrees of east longitude, the ship being intended to return from such last-mentioned port to any port in the said Territories, or on any such return voyage:

(e.) For the repeal or alteration of any laws now in force in 10 the Indian Territories under the dominion of Her Majesty, or in any part thereof, except in the cases herein-after mentioned:

(f.) For the repeal or alteration of any provisions in the Letters Patent of any High Court, under whatever authority the 15 same may be or may have been granted.

Provided, that the said Governor General in Council shall not make any laws or regulations which may affect the authority of Parliament, or which shall repeal or be inconsistent with any of the provisions of the Acts or parts of Acts of Parliament mentioned 20 or referred to in the Second Schedule hereto which are now or hereafter may be unrepealed.

Disallowance
by Her
Majesty of
Laws made
by Governor
General's
Council.

4. Whenever any Law or Regulation has been made by the Governor General of India in Council at a Meeting for the purpose of making Laws and Regulations, and has been assented to by the 25 Governor General, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for India in Council, Her disallowance of such Law, or of any part thereof; and such disallowance shall make void and annul such Law, or such part 30 of a Law, from and after the day on which the said Governor General shall make known by proclamation in India that he has received the notification of such disallowance by Her Majesty.

Extent of
the legisla-
tive power of
the sub-
ordinate
legislatures.

5. The Governors of the Presidencies of Fort St. George and Bombay in Council respectively, at Meetings for the purpose of 35 making Laws and Regulations, and the Councils constituted or hereafter to be constituted under the forty-fourth and forty-fifth sections of the Indian Councils Act, 1861, shall, subject to the provisions of the said Act, and other Acts of Parliament now in force relating to the said Governors in Council and Councils, have power to make laws 40 for the peace and good government of the presidencies or territories under their authority respectively, and for that purpose to repeal and amend any laws or regulations made before the first day of

August one thousand eight hundred and sixty-one by any authority in India, so far as they affect such presidencies or territories respectively; provided that no such Governor in Council or Council shall have power to make any law or regulation inconsistent with the provisions of any Act of Parliament in force or hereafter to be in force in any such presidency or territory, or with any provision of the Letters Patent of any High Court, or to repeal or alter any provision of any such Letters Patent.

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6. It shall not be lawful for the Governors in Council aforesaid, or for any of the Councils aforesaid respectively, except with the sanction of the Governor General previously communicated to such Governor or to the Lieutenant-Governor presiding over such Council, to make laws or to take into consideration any law for any of the following purposes; (that is to say.)
- 15 (a.) Affecting the public debt of India, or the customs duties, or any other tax or duty now in force and imposed by the authority of the government of India for the general purposes of such government :
- (b.) Regulating any of the current coin, or the issue of any bills, notes, or other paper currency :
- 20 (c.) Regulating the conveyance of letters by the post office, or messages by the electric telegraph within the presidency or territory :
- (d.) Altering the Indian penal code, being Act XLV. of 1860 of the Governor General of India in Council :
- 25 (e.) Affecting the religion or religious rites and usages of any class of Her Majesty's subjects in India :
- (f.) Affecting the discipline or maintenance of any part of Her Majesty's military or naval forces :
- 30 (g.) Regulating patents or copyrights :
- (h.) Affecting the relations of the government with foreign princes or states.

Subordinate legislatures not to legislate on certain subjects without previous sanction of Governor General in Council.

Provided always, that no law or provision of any law which shall have been made by any such Governors in Council, and assented to by the Governor General as provided by the Indian Councils Act, 1861, shall be deemed invalid by reason only of its relating to any of the purposes comprised in the above list.

7. Whenever any Law or Regulation made by the Governor of Fort St. George in Council, or by the Governor of Bombay in Council, or by any Council constituted or hereafter to be constituted under the forty-fourth and forty-fifth sections of the Indian

Disallowance by Her Majesty of Laws made by subordinate legislatures.

A.D. 1876. Council's Act, 1861, at a Meeting for the purpose of making Laws and Regulations, has been assented to by the Governor General of India under section forty of the said Indian Council's Act, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty 5 to signify, through the Secretary of State for India in Council, Her disallowance of such Law, or of any part of such Law; and such disallowance shall make void and annul such Law, or such part of a Law, from and after the day on which such Governor or the Lieutenant-Governor presiding over such Council shall 1 make known by proclamation that he has received the notification of such disallowance by Her Majesty.

Bengal,
Madras, and
Bombay Re-
gulations
confirmed.

8. Such of the laws known as the Bengal, Madras, and Bombay Regulations as have not been repealed by competent authority are hereby confirmed and declared to be and to have been valid; 15 but this confirmation and declaration shall not affect the power to repeal them which is now or has formerly been vested in any authority in India.

Validity of
Acts of
Governor
General in
Council not
to be ques-
tioned by
courts of
justice in
India except
the High
Courts.

9. No Law heretofore made or hereafter to be made by the Governor General of India in Council, at a Meeting for the purpose 20 of making Laws and Regulations, which has been assented to by the Governor General, and which has not been disallowed by Her Majesty, shall be deemed or taken to be invalid in whole or in part by any court of justice in India for any cause whatever, except 25 in the cases and to the extent herein-after provided.

Provided that if a Division of any High Court in India consisting of the Chief Justice and two other Judges of such High Court, one of such Judges being a barrister-at-law, shall in any case coming before them in the exercise of their Appellate or Extraordinary Original Jurisdiction be of opinion that any part of any such law as 30 aforesaid is repugnant to any provision of any Act of Parliament which the Governor General of India in Council has not power to repeal under the provisions herein contained, such Division may give Judgment that so much of such Law as is repugnant to any such provision is invalid. A copy of every such Judgment shall be 35 forwarded by the High Court, by the Division of which it is given, to the Governor General in Council, who, unless he shall think fit to repeal so much of the said Law as is adjudged to be repugnant to any such Act, shall forward a copy of such Judgment to the Secretary of State for India, and it shall be lawful for the said 40 Secretary of State in Council to appeal against such Judgment to the Judicial Committee of the Privy Council, whatever may be the nature of the case in which, or the value of the subject-matter in

relation to which, such Judgment is delivered, and whoever may be the parties thereto. A.D. 1876.

Provided further, that if it appears to any Court Martial held under the provisions of any Act of Parliament for the punishment of mutiny and desertion, in any case brought before them, that the provisions of any Law of the Governor General of India in Council are inconsistent with the provisions of any Act of Parliament, such court martial shall regulate its proceedings according to the Act of Parliament, and not according to the Law of the Governor General of India in Council, notwithstanding the provisions herein-before contained.

10. Subject to the provisions herein-before contained, all Laws heretofore made or hereafter to be made by the Governor General of India in Council at any meeting for the purpose of making Laws or Regulations which have been assented to by the Governor General, and which have not been disallowed by Her Majesty, shall be of the same force and effect throughout the Territories and over the persons herein-before mentioned as public Acts of Parliament.

Laws passed by Governor General in Council to be of same force as Acts of Parliament.

A.D. 1876.

SCHEDULES.

SCHEDULE I.

ENACTMENTS REPEALED.

Titles of Acts.	Extent of Repeal.
(1.) 3 and 4 Will. 4. c. 85. An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the 30th day of April 1854.	(1.) Section 46. 5
(2.) 24 and 25 Vict. c. 67. The Indian Councils Act.	(2.) Sections 21, 22, 41, 42, and 43. 10
(3.) 28 Vict. c. 17. An Act to enlarge the powers of the Governor General of India in Council at meetings for making laws and regulations, and to amend the law respecting the territorial limits of the several Presidencies and Lieutenant-Governorships.	(3.) Section 1. 15
(4.) 32 and 33 Vict. c. 98. An Act to define the powers of the Governor General of India in Council at meetings for making laws and regulations for certain purposes.	(4.) Sections 1. 20

SCHEDULE II.

ACTS OF PARLIAMENT NOT TO BE REPEALED BY GOVERNOR GENERAL IN COUNCIL. 25

1. 3 & 4 W. 4. c. 85. (An Act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian territories till the 30th day of April 1854).

2. 16 & 17 Vict. c. 95. (An Act to provide for the government of India.) 30

3. 17 & 18 Vict. c. 77. (An Act to provide for the mode of passing Letters Patent and other Acts of the Crown relating to India, and for vesting certain powers in the Governor General of India in Council.)

4. 21 & 22 Vict. c. 106. (An Act for the better government of India.)

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5. 22 & 23 Vict. c. 41. (An Act to amend the Act for the better government of India.)

6. 24 & 25¹ Vict. c. 67. (An Act to make better provision for the constitution of the Council of the Governor General of India, and for the local government of the several Presidencies and Provinces of India, and for the temporary government of India in the event of a vacancy in the office of Governor General.)

7. Any Act of Parliament extending to India and passed subsequently to first August one thousand eight hundred and sixty-one, except sections 11, 13, 14, and 15 of 24 & 25 Vict. c. 104.

8. Any Act of Parliament enabling the Secretary of State in Council to raise money in the United Kingdom for the Government of India.

9. 17 Vict. c. 104. (An Act to amend and consolidate the Acts relating to Merchant Shipping) or any Act amending that Act.

10. 5 Geo. 4. c. 113. (An Act to amend and consolidate the laws relating to the abolition of the slave trade) and any other Act passed at any time relating to the suppression or prevention of the slave trade.

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BILL

To amend the Law relating to Legislation in India, with a view to the Consolidation thereof.

(Prepared and brought in by
Lord George Hamilton and Mr. Attorney General.)

*Ordered, by The House of Commons, to be Printed,
10 February 1876.*

[Bill 54.]

Under 2 oz.

Industrial and Provident Societies Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
2. Extent of Act.
3. Definitions.
4. Repeal.
5. Existing societies.
6. Societies which may be registered.
7. Registry of societies.
8. Cancelling and suspension of registry.
9. Rules and amendments.
10. Duties and obligations of societies.
11. Privileges of societies.
12. Property and funds of societies.
13. Officers in receipt or charge of money.
14. Disputes.
15. Special powers of registrars to be exercised on application from members.
16. Special resolutions, and proceedings which may be taken thereon.
17. Dissolution of societies.
18. Penalties.
19. Summary procedure and appeals.
20. Regulation of proceedings in county courts.
21. Public auditors.
22. Fees.
23. Regulations to be made for carrying out the Act.
24. Evidence of documents.
25. Application of Act to Isle of Man.
26. Application of Act to Channel Islands.

SCHEDULES.

A
B I L L

TO

Consolidate and amend the Laws relating to Industrial A.D. 1876.
and Provident Societies. —

WHEREAS it is expedient to consolidate and amend the law relating to industrial and provident societies, and to assimilate the same in certain respects to the law relating to friendly societies :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as The Industrial and Provident Societies Act, 1876. Short title
of Act.

10 2. This Act shall extend to Great Britain and Ireland, the Channel Islands, and the Isle of Man. Extent of
Act.

3. In this Act, if not inconsistent with the context, the following terms shall have the meanings herein-after respectively assigned to them : Definitions.

15 "The Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury :

"England" shall include the Channel Islands and the Isle of Man (except as herein-after provided) :

20 "The Registrar" shall mean for England the Central Office established by the Friendly Societies Act, 1875, and for Ireland or Scotland the assistant registrar for either country respectively :

"Country" shall mean England, Ireland, or Scotland, as the case may be :

25 The several ridings of the county of York, the several Channel Islands, and the Isle of Man, respectively, shall be deemed to be counties

"Land" shall include hereditaments, and in Scotland heritable subjects, of whatever description, and chattels real :

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- “Property” shall mean all real and personal estate (including books and papers) :
- “Registered society” shall mean a society registered or deemed to be registered under this Act :
- “Amendment of rule” shall include a new rule, and a resolution rescinding a rule :
- “Rules” shall mean rules for the time being :
- “The committee” shall mean the committee of management or other directorial body of a society :
- “Persons claiming through a member” shall include the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed :
- “Officer” shall extend to any trustee, treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society :
- “Meeting” shall include (where the rules of a society so allow) a meeting of delegates appointed by members :
- For Scotland, “court of summary jurisdiction” shall mean the sheriff court of the county :
- “County court” shall mean for Scotland the sheriff court of the county, and for Ireland the Civil Bill Court; for Scotland, “administration” means confirmation, and “misdemeanor” a crime and offence :
- “Summary Jurisdiction Acts” shall mean—
- As to England, the Act 11 & 12 Vict. c. 43, and any Acts amending the same :
- As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and of the police of such district; elsewhere in Ireland, the “Petty Sessions (Ireland) Act, 1851,” and any Act amending the same :
- “Gazette” shall mean the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

Repeal.

4. The Acts set forth in the first schedule hereto shall be repealed from the commencement of this Act to the extent set forth in the third column of the said schedule; but this repeal, or anything herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or certified thereunder, before the commencement of this Act.

5 Every society now subsisting whose rules have been registered, enrolled, or certified under any Act relating to industrial and provident societies, shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded.

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Existing societies.

10 6. The societies which may be registered under this Act are societies (herein called industrial and provident societies) for carrying on any labour, trade, or handicraft, whether wholesale or retail, except the business of banking, but including the buying and selling of land, whereof no member other than a society registered under this Act shall have or claim an interest in the funds of the society exceeding *two hundred pounds sterling*.

Societies which may be registered.

15 7. With respect to the registry of societies, the following provisions shall have effect :

Registry of societies.

(1.) No society can be registered under this Act which does not consist of seven persons at least.

Societies for registry to consist of seven persons at least.

20 (2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and two written or printed copies of the rules shall be sent to the registrar.

The application for registry.

25 (3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, or in any name likely, in the opinion of the registrar, to deceive the members or the public, and no society shall change its name without sanction of the registrar or otherwise than is herein-after provided.

Identity or deceptive similarity of name not to be allowed.

30 (4.) A society registered under the Industrial and Provident Societies Act, 1852, and not registered under the Industrial and Provident Societies Acts, 1862 or 1867, may, on application to the registrar, obtain an acknowledgment of registration under this Act.

Societies registered under the Industrial and Provident Societies Act, 1852.

(5.) The word "limited" shall be the last word in the name of every society registered under this Act.

"Limited" to be last word of name.

35 (6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office, as herein mentioned, is situate ; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him ; and until such rules be so recorded the society shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded,

Registry of societies doing business in more than one

A.D. 1876. and until such amendments of rules be recorded the same shall not take effect in such country.

The acknowledgment of registry.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry.

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Appeals from refusal to register.

(8.) If any registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows :

(a.) If the assistant registrar for Ireland refuse to register, to the Court of Queen's Bench at Dublin :

(b.) If the assistant registrar for Scotland refuse to register, to the Court of Session :

(c.) If the central office or the chief registrar refuse to register, to the Court of Queen's Bench in England :

(d.) Either division of the Inner House of the Court of Session, the Court of Queen's Bench at Dublin, and the Judges of the Court of the Queen's Bench Division of the High Court in England respectively, may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

If refusal overruled, acknowledgment of registry to be given.
Effect of acknowledgment of registry.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

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(10.) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

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Cancelling and suspension of registry.
Cancelling.

8. With respect to the cancelling or suspension of registry the following provisions shall have effect :

(1.) The chief registrar, or, in the case of societies registered and doing business in Ireland or Scotland exclusively, the assistant registrar for Ireland or Scotland respectively, may cancel the registry of a society by writing under his hand,—

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(a.) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct :

(b.) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist.

35

Suspension.

(2.) The chief or assistant registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society,

may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period.

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(3.) Not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the chief or assistant registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, as soon as practicable after the same takes place.

Notice of cancelling or suspension.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's or the registrar's refusal to register respectively.

Appeal from cancelling or suspension.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place.

Effect of cancelling or suspension.

9. With respect to the rules of societies the following provisions shall have effect:

Rules and amendments.

(1.) The rules of every society sent for registry shall contain provisions in respect of the several matters mentioned in the second schedule to this Act, which shall have the same effect as if it had been inserted herein.

Provisions to be contained in rules.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar.

Amendments to be registered.

(3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules.

Provision applicable to amendments.

(4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered.

Acknowledgment of registry of amendments.

(5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding *one shilling*.

Copies of rules to be delivered on demand.

- A.D. 1876. (6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, 5 or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor.
- Delivery of untrue rules.
- Duties and obligations of societies. 10. With respect to the duties and obligations of registered 10 societies the following provisions shall have effect :
- Registered office. (1.) Every society shall—
- (a.) Have a registered office to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office, and of every change 15 therein :
- Publication of name. (b.) Paint or affix, and keep painted or affixed, its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, in letters easily legible, and have its name engraven in legible 20 characters on its seal, and have its name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or 25 on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society :
- Audit. (c.) Once at least in every year submit its accounts for audit either to one of the public auditors appointed as herein mentioned, or to two or more persons appointed as the 30 rules of the society provide, who shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either 35 sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects they find it incorrect or unvouched :
- Annual returns. (d.) Once in every year before the *first day of June* send to the registrar a general statement (to be called the annual 40 return) of the receipts and expenditure, funds and effects of the society, which shall show separately the expenditure

in respect of the several objects of the society, and shall be made out to the *thirty-first December* then last inclusively, and shall state whether the audit has been conducted by a public auditor appointed as by this Act is provided, and by whom, and if by any person other than a public auditor, shall state the name, address, and calling or profession of each such person, and the manner in which and the authority under which he is appointed, and together therewith shall send a copy of the auditor's report :

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- 5 by whom, and if by any person other than a public auditor, shall state the name, address, and calling or profession of each such person, and the manner in which and the authority under which he is appointed, and together therewith shall send a copy of the auditor's report :
- 10 (e.) Allow any person having an interest in the funds of the society to inspect the list of members, register of shares, and list of notices of withdrawal at all reasonable hours at the registered office of the society, or any place where the books are kept ; and any member or person authorised by such member similarly to inspect the books of account, subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society, except that no member or other person, unless an officer of the society, or specially authorised by a resolution thereof, shall have the right to inspect a loan or deposit account of any other member without the written consent of such member :
- 15 (f.) Supply gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society for the time being :
- 20 (g.) Keep a copy of the last annual balance sheet for the time being, together with the report of the auditors, always hung up in a conspicuous place at the registered office of the society.
- 25 (2.) It shall be an offence under this Act if any registered society—
- 30 (a.) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to do or allow to be done :
- 35 (b.) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or any other registrar or other person authorised under this Act, or does any act or thing forbidden by this Act :
- 40 (c.) Makes a return or wilfully furnishes information in any respect false or insufficient.

Inspection of books.

Supplying copies of annual returns.

Offences.

- A.D. 1876. (3.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil the duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the same continues. 5
- Offences by societies to be also offences by officers, &c.
- Returns to be in prescribed form. (4.) Every return and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the chief registrar prescribes. 10
- Recording of documents. (5.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the chief registrar shall direct. 15
- Privileges of societies. 11. Registered societies shall be entitled to the following privileges:
- Incorporation of society with limited liability. (1.) The registration of a society shall render it a body corporate by the name described in the certificate of registration, by which to sue and be sued in all courts of justice whatsoever, with perpetual succession and a common seal; and shall vest in the society all property for the time being vested in any person in trust for the society; and all legal proceedings then pending by or against the trustees of any such society may be prosecuted by or against the society in its registered name without abatement; and the liability of its members shall be limited to the amount, if any, unpaid on their shares, or which they may have undertaken to contribute by way of guarantee to the assets of the society in the event of its being wound up or dissolved. 20 25 30
- Rules to bind the members. (2.) The rules of the society shall bind the society and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were contained in such rules a covenant on the part of himself, his heirs, executors, and administrators, to conform thereto, subject to the provisions of this Act: Provided that a society registered at the time when this Act comes into operation, or the members thereof, may respectively exercise any power given by this Act, notwithstanding any provision contained in any rule thereof certified before this Act was passed, and as if the rules had provided for the exercise of such power in manner hereby prescribed. 35 40

(3.) All moneys payable by a member to the society shall be a debt due from such member to the society, and shall be recoverable as such either in the county court of the district in which the place or principal place of business of the society is situate, or that of the district in which such member resides, at the option of the society.

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Moneys due from members to be a debt recoverable from them.

Exemption from income tax.

(4.) The society shall not be chargeable under Schedule (C.) or Schedule (D.) of the Income Tax Acts, but no member of or person employed by the same to whom any profits are paid shall be exempted from any assessment to the said duties to which he would otherwise be liable.

(5.) Stamp duty shall not be chargeable upon any of the following documents :

Exemption from stamp duty.

(a.) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds :

(b.) Order or receipt for money contributed to or received from the funds of the society under its rules or this Act :

(c.) Bond given to or by the society :

(d.) Draft or order payable only to or to the account of a named payee, or specially crossed :

(e.) Appointment or revocation of appointment of agent, or other document required or authorised by this Act or by the rules of the society.

(6.) A member of a society, not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an officer or servant of the society, unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or neice of the nominator, to whom his shares in the society shall be transferred at his decease, provided that the amount credited to him in the books of the society does not exceed *fifty pounds*, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent, but not otherwise, and every such society shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the shares comprised in any such nomination shall be transferable to the nominee although the rules of the society declare its shares to be generally not transferable; and on receiving satisfactory proof of the death of a nominator the committee of the society shall either transfer the shares in manner directed on such nomination or pay to every person entitled thereunder the full value of his interest, at their option, unless the shares if transferred to any such nominee would raise his interest in the society to an amount exceeding

Power of nomination for sums not exceeding fifty pounds.

A.D. 1876. *two hundred pounds* sterling, in which case they shall pay him the full value of such shares, not exceeding the sum aforesaid.

Distribution
of sums not
exceeding
fifty pounds.

(7.) If any member of a society, entitled to an interest in the society not exceeding *fifty pounds*, dies intestate and without having made any nomination under this Act which remains unre- 5
voked at his death, such interest shall be transferable or payable, without letters of administration, to or among the persons who appear to a majority of the committee, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same. 10

Payments to
persons
apparently
entitled
valid.

(8.) Whenever the committee, after the decease of any member, make any payment or transfer to any person who at the time appears to them to be entitled under this section, the payment or transfer shall be valid and effectual against any demand made upon the committee or the society by any other person. 15

When trus-
tees are
absent, &c.,
registrar
may order
stock to be
transferred.

(9.) When any person, in whose name any stock belonging to any such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others or solely, as a trustee therefor, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed 20
for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may 25
direct the transfer of the stock into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so direct, then by the Accountant 30
General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against 35
any claim or demand of any person injuriously affected thereby.

Membership
of minors.

(10.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein 40
provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not

be a member of the committee, manager, or treasurer of the society. A.D. 1876.

(11.) A promissory note or bill of exchange shall be deemed to have been, made, accepted, or endorsed on behalf of any society if made, accepted, or endorsed in the name of the society, or by or on behalf or account of the society, by any person acting under the authority of the society. Promissory notes and bills of exchange.

(12.) Any register or list of members or shares kept by any society shall be *prima facie* evidence of any of the following particulars entered therein : Register of members or shares.

(a.) The names, addresses, and occupations of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares :

(b.) The date at which the name of any person or society was entered in such register or list as a member :

(c.) The date at which any such person or society ceased to be a member.

12. With respect to the property and funds of registered societies, the following provisions shall have effect : Property and funds of societies.

(1.) A society may (if its rules do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease. Holding of land.

(2.) The rules may provide from time to time for the advancing of money by the society to members on the security of real or personal property. Advances to members.

(3.) Where any society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit such persons (not to exceed three) as such society appoints, to be trustees on its behalf, as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant, or may admit the society as tenant in respect of the same on payment of such special fine or compensa- As to copyholds.

- A.D. 1876. tion, in lieu of fine and fees as may be agreed upon between such lord and the society.
- Forms. (4.) In the rules or any schedule thereto may be set forth the forms of conveyance, surrender, admittance, mortgage, transfer, agreement, bond, or other instrument necessary for carrying the purposes of the society into effect. 5
- Application of profits. (5.) The profits of the society may be applied to any lawful purpose.
- Discharge of mortgages by receipt endorsed. (6.) A receipt under the hands of two members of the committee of the society, countersigned by the secretary, in the form contained in the third schedule to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance endorsed upon or annexed to such mortgage or other assurance, shall vacate the same, and vest the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resurrender; but this provision shall not apply to Scotland or to the Island of Jersey. 10 15
- Registration of receipt. (7.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register shall be entitled to a fee of *two shillings and sixpence* for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are by law directed to be paid and applied. 20 25 30 35
- Punishment of fraud or misappropriation. (8.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by the society, or the committee thereof, or of the central office, or of the chief registrar or any assistant registrar by his authority, be 40

liable on summary conviction to a penalty not exceeding *twenty pounds* with costs not exceeding *twenty shillings*, and to be ordered to deliver up all such property or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the
 5 payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding *three months*; but nothing herein contained shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

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10 **13.** With respect to officers of registered societies having receipt or charge of money otherwise than as members of the committee of any society, the following provisions shall have effect : Officers in receipt or charge of money.

(1.) Every officer, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound,
 15 either with or without a surety as the committee require, in a bond according to one of the forms set forth in the third schedule to this Act, or such other form as the committee of the society approve, or give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just
 20 and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the committee thereof require him to do, and for the payment by him of all sums due from him to the society. Security to be given.

(2.) Every officer, his executors or administrators, shall, at such
 25 times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or
 30 notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or the committee appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the society may sue upon the bond or
 35 security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive. Accounts of officers.

14. With respect to disputes concerning registered societies the
 40 following provisions shall have effect : Disputes.

(1.) Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society

A.D. 1876. or an officer thereof, shall be decided in manner directed by the rules of the society, if they contain any such direction, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court. 5

(2.) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the chief registrar, or to the assistant-registrar in Ireland or Scotland, who shall, with the consent of the Treasury, either by 10 himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like 15 manner as a decision made in the manner directed by the rules of the society.

(3.) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and 20 documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act.

(4.) Where the rules of a society direct that disputes shall be 25 referred to justices, the dispute shall be determined by a court of summary jurisdiction :

Provided that in every case of dispute cognisable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute 30 to the county court, which may hear and determine the matter in dispute.

(5.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person 35 aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute.

(6.) The court, chief or other registrar, may, at the request of either party, state a case for the opinion in England of the Supreme 40 Court of Judicature, in Scotland of either division of the Inner House of the High Court of Session, or in Ireland of one of the superior courts of common law at Dublin, on any question of law, and may also

grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court, registrar, or persons may determine. A.D. 1876.

15. With respect to the inspection of the affairs of registered societies, the following provisions shall have effect :

(1.) Upon the application of one fifth of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or, in the case of societies registered and doing business exclusively in Ireland or Scotland, the assistant registrar for Ireland or Scotland respectively, but with the consent of the Treasury in every case, may,—

(a.) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly :

(b.) Call a special meeting of the society in such manner and at such time and place as the chief registrar, or such assistant registrar, may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

(2.) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct.

(3.) The chief registrar or such assistant registrar may if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling such meeting.

(4.) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the

A.D. 1876. same, or out of the funds of the society, as the chief registrar shall direct.

Special resolutions and proceedings which may be taken thereon.

Special resolutions.

16. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect :

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(1.) A special resolution is one which is passed by a majority of not less than three fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to votes as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

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Change of name.

(2.) A society may, by special resolution, with the approval in writing of the registrar, or, in the case of societies registered and doing business exclusively in Ireland or Scotland, the assistant registrar for Ireland or Scotland respectively, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society, notwithstanding its new name.

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Amalgamation of societies.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

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Conversion of societies into companies, &c.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company.

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Rights of creditors.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Registration of special resolutions.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and

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registered there, and until such copy is so registered, such special resolution shall not take effect. A.D. 1876.

- (7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act. Registration of copy of special resolution as memorandum of association.
- (8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act shall thereupon become void, and the same shall be cancelled by the chief registrar; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, shall have priority as against the property of such company, over all other rights or claims against or liabilities of such company. Registry of society under Act to become void on registration as a company, &c.

17. With respect to the dissolution of registered societies, the following provisions shall have effect: Dissolution of societies.

25 I. A society may be dissolved—

- (a.) By an order to wind up the society, or a resolution for the winding up thereof, made as is directed in regard to companies by the Companies Act, 1862, the provisions whereof shall apply to any such order or resolution, except that the court having jurisdiction in the winding up shall be the county court, and that the term registrar shall for the purpose of such winding up mean the central office in England, or the assistant registrar in Scotland or Ireland, as the case may be: How societies may be dissolved.
- (b.) By the consent of three fourths of the members, testified by their signatures to an instrument of dissolution.

II. Where a society is wound up the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributories amongst themselves, shall be qualified as follows: Liability of the members.

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- (a.) No individual or society who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute :
- (b.) No individual or society shall be liable to contribute in respect of any debt or liability contracted before he or it ceased to be a member :
- (c.) No individual or society not a member shall be liable to contribute, unless it appears to the court that the contributions of the existing members be insufficient to satisfy the just demands of the society : 10
- (d.) No contribution shall be required from any individual or society exceeding the amount if any unpaid on the shares in respect of which he or it is liable as a past or present member.
- (e.) An individual or society shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal. 15
- Contents of instrument of dissolution. III. Where a society is terminated by an instrument of dissolution the following provisions shall apply : 20
- (1.) The instrument of dissolution shall set forth—
- (a.) The liabilities and assets of the society in detail :
- (b.) The number of members and the nature of their interests in the society respectively :
- (c.) The claims of creditors (if any), and the provision to be made for their payment : 25
- (d.) The intended appropriation or division of the funds and property of the society, unless the same be left to the award of the chief registrar.
- Alterations in instrument of dissolution. (2.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, testified in the same manner. 30
- Statutory declaration. (3.) A statutory declaration shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution ; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor. 35
- Registry of instrument of dissolution. (4.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society. 40
- Notice of dissolution. (5.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in manner provided by

A.D. 1876.

the Friendly Societies Act, 1875, for advertising an award of the registrar for dissolution; and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the district where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

(6.) Notice shall be sent to the central office—

Notice of proceedings to set aside a dissolution.

(a.) Of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken :

(b.) Of any order setting it aside, within seven days after it is made by the society.

18. With respect to penalties under this Act, the following provisions shall have effect :

Penalties.

(1.) If any person wilfully makes, orders, or allows to be made any entry, erasure, in or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be liable to a penalty not exceeding *fifty pounds*.

Penalty for falsification.

(2.) If any officer of the society, or any person on its behalf, uses any seal purporting to be a seal of the society, whereon its name is not so engraved as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of the society, or signs or authorises to be signed on behalf of the society any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bills of parcels, invoice, receipt, or letters of credit of the society, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of *fifty pounds*, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof unless the same is duly paid by the society.

Not using the name of the society.

(3.) Every society, officer or member of a society, or other person guilty of an offence under this Act for which no penalty

Penalties for ordinary offences.

A.D. 1876. is expressly provided herein shall be liable to a penalty of not less than *one pound* and not more than *five pounds*.
 Recovery of penalties.

(4.) The penalties imposed or to be imposed (1) by this Act, (2) by any regulations under the same, or (3) by the rules of a registered society, shall be recoverable in a court of summary jurisdiction, and at the suit, in cases (1) and (2), of the chief registrar, or of any assistant registrar, or of any person aggrieved, and, in case (3), of the society. 5

Summary procedure and appeals.

19. With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have 10 effect :

(1.) In England and Ireland all offences and penalties under this Act may be prosecuted and recovered, in the manner directed by the Summary Jurisdiction Acts, as respects a prosecution against a society or its officers, in the place where the registered office of the society is, or where the offence has been committed, or, as respects a prosecution against any person other than a society or its officers, in the place where such person is resident at the time of the institution of such prosecution, or where the offence was committed. 15 20

(2.) In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts.

(3.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall consist as follows : 25

In England—

- (a.) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute : 30
- (b.) In the city of London, of the lord mayor or any alderman of that city :
- (c.) In any other place, of two or more justices of the peace sitting in petty sessions.

In Ireland—

- (a.) In the police district of Dublin metropolis, of a divisional justice : 35
- (b.) In any other place, of two or more justices of the peace sitting in petty sessions.
- (4.) In Scotland— 40
- (a.) All offences and penalties under this Act may be prosecuted and recovered by the procurator fiscal of the county in

the sheriff court, under the provisions of the Summary Procedure Act, 1864 : A.D. 1876.

(b.) Summary orders may be made and enforced on complaint in the sheriff court :

5 (c.) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the summons or complaint, but not exceeding *three months* :

10 (d.) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown :

(e.) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these provisions.

15 (5.) In any information or complaint under this Act it shall be sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived. Description of offences.

20 (6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows : Appeals.

25 (a.) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from :

30 (b.) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof :

35 (c.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded :

(d.) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance as aforesaid, release him from custody :

40 (e.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to such court with the opinion of the court of appeal

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thereon, or make such other order in the matter as the court thinks fit :

- (f.) If the matter be remitted to the court of summary jurisdiction such court shall thereupon rehear and decide the information or complaint in accordance with the opinion 5
of the court of appeal.

(7.) In Scotland any person may appeal from any order or conviction under this Act to the court of justiciary, or any circuit court thereof, under or in terms of the Act of the twentieth year of His Majesty King George the Second, chapter forty-three, or 10
under any Act amending that Act or applying or incorporating its provisions with regard to appeals, or to the Court of Justiciary in Edinburgh under or in terms of "The Summary Prosecutions Appeals (Scotland) Act, 1875."

Regulation
of proceed-
ings in
county
courts.

20. Proceedings under this Act by and before the judges of 15
county courts may be regulated in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders, and acts of sederunt made under the forty-third section of the Act of the eighteenth and nineteenth years of Her present 20
Majesty, chapter sixty-three, as may be in force at the commencement of this Act.

The registrar and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord 25
Chancellor, from time to time orders and directs.

Public
auditors.

21. The Treasury may from time to time appoint public auditors and valuers for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors and valuers ; but the employment 30
of such auditors and valuers is not compulsory on any society.

Fees.

22. The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act.

All fees which may be received by any registrar under or by 35
virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer.

Regulations
to be made
for carrying
out the Act.

23. The Treasury may from time to time make regulations 40
respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament. A.D. 1876.

5 Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

24. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and
10 every document purporting to be signed by the chief or any assistant registrar, or any inspector, or public auditor or valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Evidence of documents.

25. With respect to the Isle of Man the provisions of this Act shall be varied as follows: Application of Act to Isle of Man.

(1.) The terms "Supreme Court of Judicature" and "county court" shall respectively mean the Court of Chancery of the said Isle, in which court the proceedings under this Act may be regulated by rules and orders to be made in that behalf by the court, and, until
20 otherwise provided, shall be regulated according to the ordinary practice of such court:

(2.) The terms "the Companies Acts" and "the Companies Act, 1862," shall respectively mean the law for the time being in force in the said Isle for the regulating and winding up of companies:

25 (3.) The term "Summary Jurisdiction Acts" shall mean the law for the time being in force in the said Isle for regulating the exercise of summary jurisdiction by justices of the peace:

(4.) All offences and penalties under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of
30 the peace at the suit or instance of a registrar or of a head constable:

(5.) All penalties recovered under this Act shall be paid to the treasurer of the said Isle, and be added to the general revenue of the said Isle:

35 (6.) Any person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said Isle as to appeals in cases of summary jurisdiction.

26. With respect to the Channel Islands this Act shall be varied
40 as follows: Application of Act to Channel Islands.

1. As respects the Island of Jersey, the following provisions shall have effect:

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- (a.) The term "county court" shall mean the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of *ten pounds* sterling, and in all other cases the inferior number of the royal court of the said island, composed of the bailiff and two jurats of the said court : 5
- (b.) The term "court of summary jurisdiction" shall have in civil cases the same meaning as the term county court :
- (c.) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the law and custom of the said island with respect to crimes and offences (*crimes et délits*) : 10
- (d.) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the royal court, at the suit or instance of Her Majesty's Procurator General for the said island : 15 20
- (e.) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said island on behalf of the Crown : 25
- (f.) The powers conferred under this Act on two justices shall be exercised by the inferior number of the royal court of the said island : 30
- (g.) Clause nineteen of this Act, and the term "Summary Jurisdiction Acts," shall not apply to the said island, but all proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of such courts respectively, and all penalties shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island : 35
- (h.) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act : 40

(i.) The terms "the Companies Acts" and "the Companies Act, 1862," shall be taken to mean the law which from time to time is in force in the said island for the formation, regulation, and winding up of companies. A.D. 1876.

5 2. As respects the bailiwick of the Island of Guernsey :

10 (a.) The court of primary instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England : Provided that a sentence may be appealed from if the case admits of an appeal, under the orders in council now in force within the bailiwick, but that the decision of the royal court when sitting in a body as a court of appeal shall be final :

15 (b.) When any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey :

20 (c.) All industrial and provident societies within the bailiwick shall be authorised to invest any part of their funds in the states bonds either of Guernsey or of Alderney :

(d.) The term "the Companies Act" shall mean the law for the time being in force in the said bailiwick for the regulation and winding up of companies :

25 (e.) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance of the law officers of the Crown or of a constable of a parish :

30 (f.) All penalties recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown revenue.

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SCHEDULES.

SCHEDULE I.

ACTS AND ENACTMENTS REPEALED.

Date of Act.	Title of Act.	Extent of Repeal.
25 & 26 Vict. c. 87.	An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.	The whole. 5
30 & 31 Vict. c. 117.	An Act to amend the Industrial and Provident Societies Acts.	The whole.
34 & 35 Vict. c. 80.	An Act to explain and amend the Law relating to Industrial and Provident Societies.	The whole, except section 4. 10

SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES
REGISTERED UNDER THIS ACT.

15

1. Object, name, and place of office of the society.
2. Terms of admission of the members.
3. Mode of holding meetings and right of voting, and of making, altering, or rescinding rules.
4. The appointment and removal of a committee of management, by whatever name, of managers or other officers, and their respective powers and remuneration. 20
5. Determination whether the shares or any number thereof shall be transferable; and if it be determined that the shares or any number thereof shall be transferable, provision for the form of transfer and registration of the shares, and for the consent of the committee thereto; and if it be determined that the shares or any of them shall be withdrawable, provision for paying the members the balance due thereon on withdrawing from the society. 25

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6. Provision for the audit of accounts.

7. Determination whether and how members may withdraw from the society, and provision for the claims of executors, administrators, or trustees of the property of bankrupt members, and for the payment of nominees in the case
5 herein mentioned.

8. Mode of application of profits.

9. Provisions for the custody, use, and device of the seal of the society, which shall in all cases bear the registered name of the society.

10 may be invested in or on the security of any other society or company, being a society registered under this Act or under the Building Societies Acts, or a company registered under the Companies Acts, or incorporated under any Act of Parliament or charter of incorporation, as to which the following provisions shall apply :

15 (1.) No such investment shall be made in any company other than one with limited liability :

(2.) Any such investment may be made, if the regulations of the company so permit, in the name of the society, which shall be taken to be a
" person " within the meaning of the Companies Act, 1862 :

20 (3.) Any such investment in any company, or in or on the security of any society registered under the Building Societies Act, made before the passing of this Act, shall have the like effect as if this Act had then been in force.

SCHEDULE III.

25 FORM OF BOND.

(1.)—In England or Ireland.

KNOW all men by these presents, that we, *A.B.* of _____, one of the officers of the _____ Society, Limited, established at _____, in the county of _____, and *C.D.* of _____ (as surety on
30 behalf of the said *A.B.*) are jointly and severally held and firmly bound to the said society in the sum of _____ to be paid to the said society, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents.

35 Sealed with our seals. Dated the _____ day of _____ in the year _____ of our Lord

Whereas the above-bounden *A.B.* has been duly appointed to the office of _____ of the _____ Society, established as aforesaid, and he, together

[68.]

E

A.D. 1876. with the above-bounden *C.D.* as his surety, have entered into the above written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the said society, at such times as the rules thereof appoint, and do pay over all the 5 moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody to such person or persons as the said society or the committee thereof appoint, according to the rules of the said society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond 10 shall be void, otherwise shall remain in full force.

Sealed and delivered in the presence of

[two witnesses.]

(2.)—In Scotland.

I *A.B.* of hereby bind and oblige myself, to the extent of £ at most, as caution and security for *C.D.*, a person 15 employed by the society, that he, the said *C.D.*, shall on demand faithfully and truly account for all moneys received and paid to him for behoof of the said society, and also assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody, and that to such person or persons as the said society or the committee 20 thereof appoint, according to the rules of the said society.

Dated at

this

day of

Signature of Cautioner.

E.F. of witness.

G.H. of witness.

25

The above bond shall not require a testing clause or subscription clause, and may be wholly written or wholly printed, or partly-written and partly printed.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER CHARGE.

The Society, Limited, hereby acknowledge to have received 30 all moneys intended to be received by the within [or above] written deed.

Signed [Two members of the committee.]

Countersigned [Signature of Secretary]
Secretary.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The Society, Limited, is registered under the Industrial and Provident Societies Act, 1876, this day of .

5 [Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the _____ Society, Limited, is
registered under the Industrial and Provident Societies Act, 1876, this
10 day of _____.

[*Seal or stamp of central office, or signature of Assistant
Registrar for Scotland or Ireland.*]

Industrial and Provident Societies.

A

B I L L

To consolidate and amend the Laws relating to Industrial and Provident Societies.

(Prepared and brought in by
Mr. Staveley Hill, Mr. Cooper-Temple,
and Mr. Rodwell.)

*Ordered, by The House of Commons, to be Printed,
14 February 1876.*

[Bill 68.]

Under 4 oz.

Industrial and Provident Societies Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
2. Extent of Act.
3. Definitions.
4. Repeal.
5. Existing societies.
6. Societies which may be registered.
7. Registry of societies.
8. Cancelling and suspension of registry.
9. Rules and amendments.
10. Duties and obligations of societies.
11. Privileges of societies.
12. Property and funds of societies.
13. Officers in receipt or charge of money.
14. Disputes.
15. Special powers of registrars to be exercised on application from members.
16. Special resolutions, and proceedings which may be taken thereon.
17. Dissolution of societies.
18. Penalties.
19. Summary procedure and appeals.
20. Regulation of proceedings in county courts.
21. Public auditors.
22. Fees.
23. Regulations to be made for carrying out the Act.
24. Evidence of documents.
25. Duties of the Registrars.
26. Application of Act to Isle of Man.
27. Application of Act to Channel Islands.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Laws relating to Industrial
and Provident Societies.

A.D. 1876.

WHEREAS it is expedient to consolidate and amend the law
relating to industrial and provident societies, and to assimilate
the same in certain respects to the law relating to friendly societies :

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

1. This Act may be cited as The Industrial and Provident Societies Act, 1876. Short title
of Act.

10 2. This Act shall extend to Great Britain and Ireland, the Channel
Islands, and the Isle of Man. Extent of
Act.

3. In this Act, if not inconsistent with the context, the following
terms shall have the meanings herein-after respectively assigned to
them : Definitions.

15 "The Treasury" shall mean the Lords Commissioners of Her
Majesty's Treasury :

"England" shall include the Channel Islands and the Isle of
Man (except as herein-after provided) :

20 "The registrar" shall mean for England the central office
established by the Friendly Societies Act, 1875, and for Ire-
land or Scotland the assistant registrar of friendly societies
for either country respectively the central offices so established;
and "chief registrar" and "assistant registrar" shall mean
chief registrar and assistant registrar of friendly societies
25 respectively :

"Country" shall mean England, Ireland, or Scotland, as the case
may be :

The several ridings of the county of York, the several Channel
Islands, and the Isle of Man, respectively, shall be deemed to
be counties :

30 [Bill 139.]

A

A.D. 1876.

“Land” shall include hereditaments, and in Scotland heritable subjects, of whatever description, and chattels real:

“Property” shall mean all real and personal estate (including books and papers):

“Registered society” shall mean a society registered or deemed to be registered under this Act: 5

“Amendment of rule” shall include a new rule, and a resolution rescinding a rule:

“Rules” shall mean rules for the time being:

“The committee” shall mean the committee of management or other directing body of a society: 10

“Persons claiming through a member” shall include the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed:

“Officer” shall extend to any trustee, treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society: 15

“Meeting” shall include (where the rules of a society so allow) a meeting of delegates appointed by members:

For Scotland, “court of summary jurisdiction” shall mean the sheriff court of the county: 20

“County court” shall mean for Scotland the sheriff court of the county, and for Ireland the Civil Bill Court; for Scotland, “administration” means confirmation, and “misdemeanor” a crime and offence: 25

“Summary Jurisdiction Acts” shall mean—

As to England, the Act 11 & 12 Vict. c. 43, and any Acts amending the same:

As to Scotland, the Summary Procedure Act, 1864, and any Acts amending the same: 30

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and of the police of such district; elsewhere in Ireland, the “Petty Sessions (Ireland) Act, 1851,” and any Act amending the same: 35

“Gazette” shall mean the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

Repeal.

4. The Acts set forth in the first schedule hereto shall be repealed from the commencement of this Act; but this repeal, or anything herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything 40

done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or certified thereunder, before the commencement
5 of this Act. A.D. 1876.

5. Every incorporated society now subsisting whose rules have been registered, certified under any Act relating to industrial and provident societies, shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not contrary to
10 any express provision of this Act, continue in force until altered or rescinded. Existing societies.

6. The societies which may be registered under this Act are societies (herein called industrial and provident societies) for carrying on any labour, trade, or handicraft, whether wholesale
15 or retail, including the buying and selling of land, but as to the business of banking subject to the provisions herein-after contained, of which societies no member other than a society registered under this Act shall have or claim an interest in the funds exceeding two hundred pounds sterling. Societies which may be registered.

20 7. With respect to the registry of societies, the following provisions shall have effect : Registry of societies.

(1.) No society can be registered under this Act which does not consist of seven persons at least. Societies for registry to consist of seven persons at least.

(2.) For the purpose of registry an application to register the
25 society, signed by seven members and the secretary, and two written or printed copies of the rules shall be sent to the registrar. The application for registry.

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so
30 nearly resembling such name as to be likely, in the opinion of the registrar, to deceive the members or the public, as to its identity, and no society shall change its name without sanction of the chief or an assistant registrar or otherwise than is herein-after provided. Identity or deceptive similarity of name not to be allowed.

35 (4.) A society registered under the Industrial and Provident Societies Act, 1852, and not registered under the Industrial and Provident Societies Acts, 1862 or 1867, may, on application to the registrar, obtain an acknowledgment of registration under this Act. Societies registered under the Industrial and Provident Societies Act, 1852.

40 (5.) The word "limited" shall be the last word in the name of every society registered under this Act. "Limited" to be last word of name.

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Registry
of societies
doing busi-
ness in more
than one
county.

(6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office, as herein mentioned, is situate; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other 5 countries, to be recorded by him; and until such rules be so recorded the society shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country. 10

The acknow-
ledgment of
registry.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry.

Appeals
from refusal
to register.

(8.) If any registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows: 15

- (a.) If the assistant registrar for Ireland refuse to register, to the Court of Queen's Bench at Dublin:
- (b.) If the assistant registrar for Scotland refuse to register, to either division of the Inner House of the Court of Session:
- (c.) If the central office or the chief registrar refuse to register, 20 to the Court of Queen's Bench in England:
- (d.) The Court of Session, the Court of Queen's Bench at Dublin, and the Judges of the Court of the Queen's Bench Division of the High Court in England respectively, may make rules or orders as to the form of appeals and the 25 trying thereof and otherwise relating thereto.

If refusal
overruled,
acknow-
ledgment of
registry to
be given.
Effect of
acknow-
ledgment of
registry.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

(10.) The acknowledgment of registry shall be conclusive evi- 30 dence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

Cancelling
and suspen-
sion of
registry.
Cancelling.

8. With respect to the cancelling or suspension of registry the following provisions shall have effect: 35

(1.) The chief registrar, or, in the case of societies registered and doing business in Ireland or Scotland exclusively, the assistant registrar for Ireland or Scotland respectively, may cancel the registry of a society by writing under his hand,—

- (a.) If he thinks fit, at the request of a society, to be evidenced 40 in such manner as he shall from time to time direct:

(b.) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist.

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(2.) The chief or assistant registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period.

Suspension.

(3.) Not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the chief or assistant registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, as soon as practicable after the same takes place.

Notice of
cancelling or
suspension.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's or the registrar's refusal to register respectively.

Appeal from
cancelling or
suspension.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place.

Effect of
cancelling or
suspension.

9. With respect to the rules of societies the following provisions shall have effect:

Rules and
amendments.

(1.) The rules of every society sent for registry shall contain provisions in respect of the several matters mentioned in the second schedule to this Act.

Provisions to
be contained
in rules.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar.

Amendments
to be regis-
tered.

(3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules.

Provision
applicable to
amendments.

A.D. 1876.

Acknowledgment of registry of amendments.

Copies of rules to be delivered on demand.

Delivery of untrue rules.

(4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered.

(5.) A copy of the rules of a registered society shall be delivered 5 by the society to every person on demand, on payment of a sum not exceeding one shilling.

(6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under 10 this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of 15 a misdemeanor.

Duties and obligations of societies.

10. With respect to the duties and obligations of registered societies the following provisions shall have effect :

(1.) Every society shall—

Registered office.

(a.) Have a registered office to which all communications and 20 notices may be addressed, and send to the registrar notice of the situation of such office, and of every change therein :

Publication of name.

(b.) Paint or affix, and keep painted or affixed, its name on the outside of every office or place in which the business of 25 the society is carried on, in a conspicuous position, in letters easily legible, and have its name engraven in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of 30 exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society :

Audit.

(c.) Once at least in every year submit its accounts for audit 35 either to one of the public auditors appointed as herein mentioned, or to two or more persons appointed as the rules of the society provide, who shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, 40 funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either

sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects they find it incorrect, unvouched, or not in accordance with law : A.D. 1876.

- 5 (d.) Once in every year before the first day of June send to the registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects of the society as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirty-first December then last inclusively, and shall state whether the audit has been conducted by a public auditor appointed as by this Act is provided, and by whom, and if by any person other than a public auditor, shall state the name, address, and calling or profession of each such person, and the manner in which and the authority under which he is appointed, and together therewith shall send a copy of the auditor's report : Annual returns.
- 10
- 15

- (e.) Allow any member or person having an interest in the funds of the society to inspect the books and the names of the members at all reasonable hours at the registered office of the society, or at any place where the same are kept ; subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society, except that no such member or person, unless he be an officer of the society, or be specially authorised by a resolution thereof, shall have the right to inspect a loan or deposit account of any other member without the written consent of such member : Inspection of books.
- 20
- 25

- 30 (f.) Supply gratuitously to every member or person interested in the funds of the society, on his application, a copy of the last annual return of the society for the time being : Supplying copies of annual returns.

- (g.) Keep a copy of the last balance sheet for the time being, together with the report of the auditors, always hung up in a conspicuous place at the registered office of the society.
- 35

(2.) The following provisions shall apply to the business of banking by societies—

- (a.) No society which has any withdrawable share capital shall carry on the business of banking :
- 40 (b.) Every society which carries on the business of banking shall, on the first Mondays in February and August in each year, make out and keep conspicuously hung up in its

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registered office, and every other place of business belonging to it, a statement as near to the statement contained in the third schedule hereto annexed as the circumstances admit :

- (c.) The taking deposits of not more than five shillings in any 5
one payment, nor more than twenty pounds for any one
depositor, payable on not less than two clear days' notice,
shall not be included in the business of banking within
the meaning of this Act ; but no society which takes such
deposits shall make any payment of withdrawable capital 10
while any claim due on account of any such deposit is
unsatisfied.

Offences.

(3.) It shall be an offence under this Act if any registered society—

- (a.) Fails to give any notice, send any return or document, 15
or do or allow to be done any act or thing which the
society is by this Act required to give, send, do, or allow
to be done :

- (b.) Wilfully neglects or refuses to do any act or to furnish any
information required for the purposes of this Act by the 20
chief or any other registrar or other person authorised
under this Act, or does any act or thing forbidden by this
Act :

- (c.) Makes a return or wilfully furnishes information in any
respect false or insufficient : 25

- (d.) Carries on the business of banking having any withdrawable
share capital, or in carrying on such business does not
make out and keep conspicuously hung up such statement
as is herein-before required, or makes any payment of
withdrawable capital contrary to the provision herein- 30
before contained.

Offences by
societies to
be also
offences by
officers, &c.

(4.) Every offence by a society under this Act shall be deemed to
have been also committed by every officer of the same bound by
the rules thereof to fulfil the duty whereof such offence is a breach,
or if there be no such officer, then by every member of the com- 35
mittee of the same, unless such member be proved to have been
ignorant of or to have attempted to prevent the commission of such
offence ; and every default under this Act constituting an offence,
if continued, shall constitute a new offence in every week during
which the same continues.

Returns to be
in prescribed
form.

(5.) Every return and other document required for the purposes
of this Act shall be made in such form and shall contain such
particulars as the chief registrar prescribes, 40

(6.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the
5 chief registrar shall direct.

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Recording of documents.

11. Registered societies shall be entitled to the following
privileges :

Privileges of societies.

(1.) The registration of a society shall render it a body corporate by the name described in the certificate of registration, by which to
10 sue and be sued in all courts of justice whatsoever, with perpetual succession and a common seal, and with limited liability ; and shall vest in the society all property for the time being vested in any person in trust for the society ; and all legal proceedings then pending by or against the trustees of any such society may be
15 prosecuted by or against the society in its registered name without abatement.

Incorporation of society with limited liability.

(2.) The rules of the society shall bind the society and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name and
20 affixed his seal thereto, and there were contained in such rules a covenant on the part of himself, his heirs, executors, and administrators, to conform thereto, subject to the provisions of this Act : Provided that a society registered at the time when this Act comes into operation, or the members thereof, may respectively
25 exercise any power given by this Act, notwithstanding any provision contained in any rule thereof certified before this Act was passed, and as if the rules had provided for the exercise of such power in manner hereby prescribed.

Rules to bind the members.

(3.) All moneys payable by a member to the society shall be a
30 debt due from such member to the society, and shall be recoverable as such either in the county court of the district in which the registered office of the society is situate, or that of the district in which such member resides, at the option of the society.

Moneys due from members to be a debt recoverable from them.

(4.) The society shall not be chargeable under Schedule (C.) or
35 Schedule (D.) of the Income Tax Acts, but no member of or person employed by the same to whom any profits are paid shall be exempted from any assessment to the said duties to which he would otherwise be liable.

Exemption from income tax.

(5.) Stamp duty shall not be chargeable upon any of the following
40 documents :

Exemption from stamp duty.

(a.) Power, warrant, or letter of attorney, granted by any person as trustee for the transfer of any money of the society invested in his name in the public funds :

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(b.) Order or receipt for money contributed to or received from the funds of the society under its rules or this Act :

(c.) Bond given to or by the society :

(d.) Draft or order payable only to or to the account of a named payee, or specially crossed :

(e.) Appointment or revocation of appointment of agent, or other document required or authorised by this Act or by the rules of the society.

Power of nomination for sums not exceeding fifty pounds.

(6.) A member of a society, not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an officer or servant of the society, unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator, to whom his shares in the society shall be transferred at his decease, provided that the amount credited to him in the books of the society does not exceed fifty pounds, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent, but not otherwise, and every such society shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the shares comprised in any such nomination shall be transferable to the nominee although the rules of the society declare its shares to be generally not transferable ; and on receiving satisfactory proof of the death of a nominator the committee of the society shall either transfer the shares in manner directed on such nomination or pay to every person entitled thereunder the full value of his interest, at their option, unless the shares if transferred to any such nominee would raise his interest in the society to an amount exceeding two hundred pounds sterling, in which case they shall pay him the full value of such shares, not exceeding the sum aforesaid.

Distribution of sums not exceeding fifty pounds.

(7.) If any member of a society, entitled to an interest in the society not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such interest shall be transferable or payable, without letters of administration, to or among the persons who appear to a majority of the committee, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Payments to persons apparently entitled valid.

(8.) Whenever the committee, after the decease of any member, make any payment or transfer to any person who at the time appears to them to be entitled under this section, the payment or transfer shall be valid and effectual against any demand made upon the committee or the society by any other person.

(9.) When any person, in whose name any stock belonging to any such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others or solely, as a trustee therefor, is absent from England, Scotland, or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the chief registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so direct, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

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When trustees are absent, &c., registrar may order stock to be transferred.

(10.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, trustee, manager, or treasurer of the society.

Membership of minors.

(11.) A promissory note or bill of exchange shall be deemed to have been, made, accepted, or endorsed on behalf of any society if made, accepted, or endorsed in the name of the society, or by or on behalf or account of the society, by any person acting under the authority of the society.

Promissory notes and bills of exchange.

(12.) Any register or list of members or shares kept by any society shall be *prima facie* evidence of any of the following particulars entered therein :

Register of members or shares.

(a.) The names, addresses, and occupations of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares :

- A.D. 1876. (b.) The date at which the name of any person or society was entered in such register or list as a member :
 (c.) The date at which any such person or society ceased to be a member.

Property and
funds of
societies.

Holding of
land.

12. With respect to the property and funds of registered societies, 5
the following provisions shall have effect :

(1.) A society may (if its rules do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, 10
assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all monneys arising from or in connection with such sale, exchange, mortgage, or lease. 15

Advances to
members.

(2.) The rules may provide from time to time for the advancing of money by the society to members on the security of real or personal property.

As to copy-
holds.

(3.) Where any society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of 20
mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit such persons (not to exceed three) as such society appoints, to be trustees on its behalf, as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the 25
admission of a single tenant, or may admit the society as tenant in respect of the same on payment of such special fine or compensation, in lieu of fine and fees as may be agreed upon between such lord and the society.

(4.) A society may, if its rules so allow, invest any part of its 30
capital in the shares or on the security of any other society registered under this Act or under the Building Societies Acts, or of any company registered under the Companies Acts or incorporated by Act of Parliament or by charter, provided that no such investment be made in the shares of any society or company other 35
than one with limited liability, and a society so investing shall be deemed to be a person within the meaning of the Companies Acts, and any investment share before the passing of this Act which would have been valid if this Act had been then in force is hereby 40
made valid and confirmed.

Forms.

(5.) In the rules or any schedule thereto may be set forth the forms of conveyance, surrender, admittance, mortgage, transfer,

agreement, bond, or other instrument necessary for carrying the purposes of the society into effect. A.D. 1876.

(6.) The profits of the society may be applied to any lawful purpose. Application of profits.

5 (7.) A receipt under the hands of two members of the committee of the society, countersigned by the secretary, in the form contained in the third schedule to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance endorsed upon
10 or annexed to such mortgage or other assurance, shall vacate the same, and vest the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resurrender; but this provision shall not apply to Scotland or to the Island of Jersey.

15 (8.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such
20 receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance or separately to the like effect, which certificate shall be received in evidence in all courts
25 and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register shall be entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds
30 Office and Record of Title Office are by law directed to be paid and applied.

(9.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies
35 any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by the society, or the committee thereof, or by the central office, or of the chief registrar or any assistant registrar by his authority, be
40 liable on summary conviction to a penalty not exceeding twenty pounds with costs not exceeding twenty shillings, and to be ordered to deliver up all such property or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the

A.D. 1876. — payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act. 5

Officers in receipt or charge of money.

Security to be given.

13. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect :

(1.) Every officer, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound, either with or without a surety as the committee require, in a bond 10 according to one of the forms set forth in the third schedule to this Act, or such other form as the committee of the society approve, or give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account 15 of the society at such times as its rules appoint, or as the society or the committee thereof require him to do, and for the payment by him of all sums due from him to the society.

Accounts of officers.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society he should render account, or 20 upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time 25 being in his hands or custody to such person as the society or the committee appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the society may sue upon the bond or security before mentioned, or may apply to the county court (which 30 may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

Disputes.

14. With respect to disputes concerning registered societies the following provisions shall have effect : 35

(1.) Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, if they contain any such direction, and the decision so made shall be binding and conclusive on all parties 40 without appeal, and shall not be removable into any court of law

or restrainable by injunction; and application for the enforcement thereof may be made to the county court. A.D. 1876.

(2.) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute
5 to the chief registrar, or to the assistant-registrar in Ireland or Scotland, who shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such
10 parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society.

(3.) The chief or other registrar to whom any dispute is referred
15 may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence
20 under this Act.

(4.) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction:

Provided that in every case of dispute cognisable under the rules
25 of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the county court, which may hear and determine the matter in dispute.

(5.) Where the rules contain no direction as to disputes, or where
30 no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute.

(6.) The court, chief or other registrar, may, at the request of
35 either party, state a case for the opinion in England of the Supreme Court of Judicature, in Scotland of either division of the Inner House of the Court of Session, or in Ireland of one of the superior courts of common law at Dublin, on any question of law, and may also
40 grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might

A.D. 1876. — be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court or registrar may determine.

Special powers of registrars to be exercised on application from members.

15. With respect to the inspection of the affairs of registered societies, the following provisions shall have effect : 5

(1.) Upon the application of one fifth of the whole number of members of a registered society, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or, in the case 10 of societies registered and doing business exclusively in Ireland or Scotland, the assistant registrar for Ireland or Scotland respectively, but with the consent of the Treasury in every case, may,—

Inspectors.

(a.) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require 15 the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly :

Special meetings.

(b.) Call a special meeting of the society in such manner and 20 at such time and place as the chief registrar, or such assistant registrar, may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all 25 cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

(2.) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be 30 called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct.

(3.) The chief registrar or such assistant registrar may, if he think fit, require the applicants to give security for the costs of the 35 proposed inspection or meeting, before appointing any inspector or calling such meeting.

(4.) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the chief registrar or 40 such assistant registrar shall direct.

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16. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect :

Special resolutions and proceedings which may be taken thereon. Special resolutions.

(1.) A special resolution is one which is passed by a majority of not less than three fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which resolution is confirmed by a majority of such members for the time being entitled under the rules to vote as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

(2.) A society may, by special resolution, with the approval in writing of the chief registrar, or, in the case of societies registered and doing business exclusively in Ireland or Scotland, the assistant registrar for Ireland or Scotland respectively, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society, notwithstanding its new name.

Change of name.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Amalgamation of societies.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company.

Conversion of societies into companies, &c.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Rights of creditors.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and registered there, and until such copy is so registered, such special resolution shall not take effect.

Registration of special resolutions.

(7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required

Registration of copy of special

A.D. 1876. to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act. 5

Registry of society under Act to become void on registration as a company, &c.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act shall thereupon become void, and the same shall be cancelled by the chief registrar or by the assistant registrar for Scotland or Ireland under his direction ; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society ; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company ; and every such right or claim, or the liability to such penalty, shall have priority as against the property of such company, over all other rights or claims against or liabilities of such company. 10 15

Dissolution of societies.

17. With respect to the dissolution of registered societies, the following provisions shall have effect : 20

How societies may be dissolved.

(1.) A society may be dissolved—

By an order to wind up the society, or a resolution for the winding up thereof, made as is directed in regard to companies by the Companies Act, 1862, the provisions whereof shall apply to any such order or resolution, except that the court having jurisdiction in the winding up shall be the county court, and that the term registrar shall for the purpose of such winding up mean the central office in England, or the assistant registrar in Scotland or Ireland, as the case may be ; or, 25 30

By the consent of three fourths of the members, testified by their signatures to an instrument of dissolution.

Liability of the members.

(2.) Where a society is wound up the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributories amongst themselves, shall be qualified as follows : 35

(a.) No individual, society, or company who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute : 40

(b.) No individual or society shall be liable to contribute in respect of any debt or liability contracted after he or it ceased to be a member: A.D. 1876.

5 (c.) No individual, society, or company not a member shall be liable to contribute, unless it appears to the court that the contributions of the existing members be insufficient to satisfy the just demands of the society:

10 (d.) No contribution shall be required from any individual, society, or company exceeding the amount if any unpaid on the shares in respect of which he or it is liable as a past or present member:

15 (e.) An individual, society, or company shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal.

(3.) Where a society is terminated by an instrument of dissolution the following provisions shall apply: Contents of instrument of dissolution.

20 (a.) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of creditors (if any), and the provision to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the chief registrar;

25 (b.) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, and testified in the same manner. Alterations in instrument of dissolution.

30 (c.) A statutory declaration shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor: Statutory declaration.

35 (d.) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society: Registry of instrument of dissolution.

40 (e.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the Gazette and in some newspaper circulating in the county in which the registered office of the society is situated; and unless Notice of dissolution.

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within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the district where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

Notice of
proceedings
to set aside
a dissolution.

(f.) Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside, within seven days after it is made by the society.

Penalties.

18. With respect to penalties under this Act, the following provisions shall have effect :

Penalty for
falsification.

(1.) If any person wilfully makes, orders, or allows to be made any entry, erasure, in or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be liable to a penalty not exceeding fifty pounds.

Not using
the name of
the society.

(2.) If any officer of the society, or any person on its behalf, uses any seal purporting to be a seal of the society, whereon its name is not so engraved as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of the society, or signs or authorises to be signed on behalf of the society any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bills of parcels, invoice, receipt, or letters of credit of the society, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof unless the same is duly paid by the society.

Penalties for
ordinary
offences.

(3.) Every society, officer or member of a society, or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a penalty of not less than one pound and not more than five pounds,

(4.) The penalties imposed or to be imposed (1) by this Act, A.D. 1876.
 (2) by any regulations under the same, or (3) by the rules of a registered society, shall be recoverable in a court of summary jurisdiction, and at the suit, in cases (1) and (2), of the chief registrar, or of any assistant registrar, or of any person aggrieved, and, in case (3), of the society. Recovery of penalties.

19. With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have effect: Summary procedure and appeals.

10 (1.) In England and Ireland all offences and penalties under this Act may be prosecuted and recovered, in the manner directed by the Summary Jurisdiction Acts, as respects a prosecution against a society or its officers, in the place where the registered office of the society is, or where the offence has been committed, or, as respects a prosecution against any person other than a society or its officers, in the place where such person is resident at the time of the institution of such prosecution, or where the offence was committed.

(2.) In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts.

(3.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall consist as follows :

25 In England—

(a.) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute :

30 (b.) In the city of London, of the lord mayor or any alderman of that city :

(c.) In any other place, of two or more justices of the peace sitting in petty sessions.

In Ireland—

35 (a.) In the police district of Dublin metropolis, of a divisional justice :

(b.) In any other place, of two or more justices of the peace sitting in petty sessions.

(4.) In Scotland—

40 (a.) All offences and penalties under this Act may be prosecuted and recovered by the procurator fiscal of the county in the sheriff court, under the provisions of the Summary Procedure Act, 1864 :

A.D. 1876.

- (b.) Summary orders may be made and enforced on complaint in the sheriff court : 5
- (c.) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the order or complaint, but not exceeding three months : 5
- (d.) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown :
- (e.) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these 10 provisions.

Description
of offences.

- (5.) In any information or complaint under this Act it shall be sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or 15 negatived.

Appeals.

- (6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows :
- (a.) The appeal shall be made to some court of general or quarter 20 sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from :
- (b.) The appellant shall within seven days after the cause of 25 appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof :
- (c.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of 30 ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded :
- (d.) Where the appellant is in custody, the justice may, on the 35 appellant entering into such recognizance as aforesaid, release him from custody :
- (e.) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the 40 matter to such court with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks fit :

(f.) If the matter be remitted to the court of summary jurisdiction such court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the court of appeal. A.D. 1876.

5 (7.) In Scotland any person may appeal from any order or conviction under this Act to the court of justiciary, or any circuit court thereof, under or in terms of the Act of the twentieth year of His Majesty King George the Second, chapter forty-three, or under any Act amending that Act or applying or incorporating its
10 provisions with regard to appeals, or to the Court of Justiciary in Edinburgh under or in terms of "The Summary Prosecutions Appeals (Scotland) Act, 1875."

20. Proceedings under this Act by and before the judges of county courts may be regulated in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders and acts of sederunt as may be in force at the commencement of this Act. Regulation of proceedings in county courts.

The registrar and high bailiffs of the county courts shall be
20 remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, from time to time orders and directs.

21. The Treasury may from time to time appoint public auditors for the purposes of this Act, and may determine from time to time
25 the rates of remuneration to be paid by societies for the services of such auditors; but the employment of such auditors is not compulsory on any society. Public auditors.

22. The Treasury may determine a scale of fees to be paid for
30 matters to be transacted or for the inspection of documents under this Act. Fees.

All fees which may be received by any registrar under or by virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer.

23. The Treasury may from time to time make regulations
35 respecting registry and procedure under this Act, and the forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect. Regulations to be made for carrying out the Act.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is

A.D. 1876. — then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament.

Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

Evidence of documents.

24. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector or public auditor under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature. 5

Duties of the registrars.

25. Sub-sections six, seven, eight, and nine of the Friendly Societies Act, section ten, relating to the duties of the chief registrar and assistant registrars, shall, so far as the same are applicable to Industrial Provident Societies, be deemed to be incorporated with this Act. 15

Application of Act to Isle of Man.

26. With respect to the Isle of Man the provisions of this Act shall be varied as follows :

(1.) The terms "Supreme Court of Judicature" and "county court" shall respectively mean the Court of Chancery of the said Isle, in which court the proceedings under this Act may be regulated by rules and orders to be made in that behalf by the court, and, until otherwise provided, shall be regulated according to the ordinary practice of such court : 20

(2.) The terms "the Companies Acts" and "the Companies Act, 1862," shall respectively mean the law for the time being in force in the said Isle for the regulating and winding up of companies :

(3.) The term "Summary Jurisdiction Acts" shall mean the law for the time being in force in the said Isle for regulating the exercise of summary jurisdiction by justices of the peace : 30

(4.) All offences and penalties under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of the peace at the suit or instance of a registrar or of a head constable :

(5.) All penalties recovered under this Act shall be paid to the treasurer of the said Isle, and be added to the general revenue of the said Isle : 35

(6.) Any person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said Isle as to appeals in cases of summary jurisdiction. 40

27. With respect to the Channel Islands this Act shall be varied as follows: A.D. 1876.

Application
of Act to
Channel
Islands.

1. As respects the Island of Jersey, the following provisions shall have effect:

- 5 (a.) The term "county court" shall mean the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in all other cases the inferior number of the royal court of the said island, composed of the bailiff and two
10 jurats of the said court:
- (b.) The term "court of summary jurisdiction" shall have in civil cases the same meaning as the term county court:
- (c.) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the
15 law and custom of the said island with respect to crimes and offences (crimes et délits):
- (d.) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all
20 cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the royal court, at the suit or instance of Her Majesty's Procurator General for the said island:
- 25 (e.) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said
30 island on behalf of the Crown:
- (f.) The powers conferred under this Act on two justices shall be exercised by the inferior number of the royal court of the said island:
- 35 (g.) Clause nineteen of this Act, and the term "Summary Jurisdiction Acts," shall not apply to the said island, but all proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of such courts respectively, and all penalties shall
40 in default of payment be enforced in the same manner as fines payable to the Crown in the said island:
- (h.) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be

A.D. 1876.

followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act :

- (i.) The terms "the Companies Acts" and "the Companies Act, 1862," shall be taken to mean the law which from time to time is in force in the said island for the formation, regulation, and winding up of companies. 5
- 2. As respects the bailiwick of the Island of Guernsey :
 - (a.) The court of primary instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England : Provided that a sentence may be appealed from if the case admits of an appeal, under the orders in council now in force within the bailiwick, but that the decision of the royal court when sitting in a body as a court of appeal shall be final : 15
 - (b.) When any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey : 20
 - (c.) All industrial and provident societies within the bailiwick shall be authorised to invest any part of their funds in the states bonds either of Guernsey or of Alderney :
 - (d.) The term "the Companies Act" shall mean the law for the time being in force in the said bailiwick for the regulation and winding up of companies : 25
 - (e.) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance of the law officers of the Crown or of a constable of a parish : 30
 - (f.) All penalties recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown revenue.

SCHEDULES.

SCHEDULE I.

ACTS AND ENACTMENTS REPEALED.

	Date of Act.	Title of Act.	Extent of Repeal.
5	25 & 26 Vict. c. 87.	An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.	The whole.
	30 & 31 Vict. c. 117.	An Act to amend the Industrial and Provident Societies Acts.	The whole.
10	34 & 35 Vict. c. 80.	An Act to explain and amend the Law relating to Industrial and Provident Societies.	The whole.

SCHEDULE II.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES REGISTERED UNDER THIS ACT.

15

1. Object, name, and place of office of the society.

2. Terms of admission of the members, including any society or company investing funds in the society under the provisions of sub-section 4 of section 12.

20 or rescinding rules, 3. Mode of holding meetings and right of voting, and of making, altering,

4. The appointment and removal of a committee of management, by whatever name, of managers or other officers, and their respective powers and remuneration.

25 able; and if it be determined that the shares or any number thereof shall be transferable, provision for the form of transfer and registration of the shares, and for the consent of the committee thereto; and if it be determined that the shares or any of them shall be withdrawable, provision for paying the members the balance due thereon on withdrawing from the society.

A.D. 1876.

6. Provision for the audit of accounts.
7. Determination whether and how members may withdraw from the society, and provision for the claims of executors, administrators, or trustees of the property of bankrupt members, and for the payment of nominees in the case herein mentioned. 5
8. Mode of application of profits.
9. Provisions for the custody, use, and device of the seal of the society, which shall in all cases bear the registered name of the society.
10. Determination whether, and by what authority, and in what manner, any part of the capital may be invested. 10

SCHEDULE III.

FORM OF STATEMENT TO BE MADE OUT BY A SOCIETY CARRYING ON THE BUSINESS OF BANKING.

1. Capital of the society :—
 - (a.) Amount of each share. 15
 - (b.) Number of shares issued.
 - (c.) Amount paid up on shares.
2. Liabilities of the society on the first day of January (or July) last previous :—
 - (a.) On judgments. 20
 - (b.) On specialty.
 - (c.) On notes or bills.
 - (d.) On simple contract.
 - (e.) On estimated liabilities.
3. Assets of the society on the same date :— 25
 - (a.) Government securities (stating them).
 - (b.) Bills of exchange and promissory notes.
 - (c.) Cash at the bankers.
 - (d.) Other securities.

FORM OF BOND.

30

(1.)—In England or Ireland.

KNOW all men by these presents, that we, *A.B.* of _____, one of the officers of the _____ Society, Limited, established at _____, in the county of _____, and *C.D.* of _____ (as surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to the said society in the sum of _____ to be paid to the said society, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the _____ day of _____ in the year 40 of our Lord

Whereas the above-bounden *A.B.* has been duly appointed to the office of _____ of the _____ Society, established as aforesaid, and he, together

A.D. 1876.

with the above-bounden *C.D.* as his surety, have entered into the above written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the
 5 said society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody to such person or persons as the said society or the committee thereof appoint, according to the rules of the said society, together with the proper and
 10 and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise shall remain in full force.

Sealed and delivered in the presence of

[*two witnesses.*]

(2.)—In Scotland.

I *A.B.* of hereby bind and oblige myself,
 15 to the extent of £ at most, as caution and security for *C.D.*, a person employed by the society, that he, the said *C.D.*, shall on demand faithfully and truly account for all moneys received and paid to him for behoof of the said society, and also assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or
 20 custody, and that to such person or persons as the said society or the committee thereof appoint, according to the rules of the said society.

Dated at this day of

*Signature of Cautioner.**E.F. of witness.*25 *G.H. of witness.*

The above bond shall not require a testing clause or subscription clause, and may be wholly written or wholly printed, or partly written and partly printed.

FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER CHARGE.

30 The Society, Limited, hereby acknowledge to have received all moneys intended to be secured by the within [*or above*] written deed.

Signed [*Two members of the committee.*]Countersigned [*Signature of Secretary*]

Secretary.

A.D. 1876.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The _____ Society, Limited, is registered under the Industrial and
Provident Societies Act, 1876, this _____ day of _____ .
[*Seal or stamp of central office, or signature of Assistant 5*
Registrar for Scotland or Ireland.]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the _____ Society, Limited, is registered under the Industrial and Provident Societies Act, 1876, this _____ day of _____ 10
[Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.]

Industrial and Provident Societies.

A

B I L L

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Laws
relating to Industrial and Provident
Societies.

(Prepared and brought in by
Mr. Staveley Hill, Mr. Cooper-Temple,
and Mr. Rodwell.)

*Ordered, by The House of Commons, to be Printed,
28 April 1876.*

[Bill 139.]

Under 5 oz.

LORDS AMENDMENTS
TO THE
INDUSTRIAL AND PROVIDENT SOCIETIES
BILL.

Note.—*The page and line refer to the Bill (90.) as first printed
by the Lords.*

Page 1.

- Lines 17 and 18, leave out (“and the Isle of Man”)
- Lines 20 and 21, leave out (“Ireland or Scotland”) and insert
- (“Scotland or Ireland”)
- Line 22, after (“respectively”) insert (“the central office”
“shall mean”), and leave out (“offices”) and insert
 (“office”)
- Line 26, leave out (“Ireland or Scotland”) and insert
 (“Scotland or Ireland”)

Page 3.

- Line 7, after (“registered”) insert (“or”)
- Line 38, leave out (“registration”) and insert (“registry”)

Page 4.

- Lines 16 to 19, transpose sub-heads (*a.*) and (*b.*)
- Line 37, leave out (“Ireland or Scotland”) and insert (“Scot-
“land or Ireland”)
- Line 38, leave out (“Ireland or Scotland”) and insert (“Scot-
“land or Ireland”)

Page 8.

- Line 38, after (“every”) insert (“Act or”)

Page 9.

- Line 9, leave out (“certificate of registration”) and insert
 (“acknowledgment of registry”)
- Line 24, after (“Act”) insert (“and not made to depend on
“the provisions of its rules”)
- Line 26, leave out from (“passed”) to the end of the sub-
section.
[Bill 254.]

Page 10.

Line 34, leave out (" England, Scotland ") and insert (" Great
" Britain ")

Page 11.

Line 31, after (" person ") insert (" company ")

Line 33, after (" person ") insert (" company ")

Line 34, after (" member ") insert the following sub-section :

(12.) Contracts on behalf of the society may be made, varied, or discharged as follows :

Contracts,
how made.

(a.) Any contract, which if made between private persons would be by law required to be in writing, and if made according to the English law to be under seal, may be made on behalf of the society in writing under the common seal of the society, and may in the same manner be varied or discharged :

(b.) Any contract, which if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged :

(c.) Any contract, which if made between private persons would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged :

And all contracts made, or which have been made, according to the provisions herein contained, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors, or administrators, as the case may be.

Page 12.

Line 4, leave out (" from time to time ")

Line 24, after (" investing ") insert (" may make such invest-
" ment in its registered name and ")

Line 25, after (" Acts ") insert (" 1862 and 1867, and the
" Building Societies Act, 1874, ")

Line 28, after (" confirmed ") insert the following sub-section :

(5.) Any other body corporate may, if its regulations permit, hold shares by its corporate name in a society.

Page 14.

Lines 35 and 36, leave out ("Ireland or Scotland") and insert ("Scotland or Ireland")

Page 15, line 42, and Page 16, line 1.

Leave out ("Ireland or Scotland") and insert ("Scotland or Ireland")

Page 16.

Line 1, leave out ("Ireland or Scotland") and insert ("Scotland or Ireland")

Page 17.

Line 9, leave out ("Ireland or Scotland") and insert ("Scotland or Ireland")

Line 10, leave out ("Ireland or Scotland") and insert ("Scotland or Ireland")

Page 18.

Line 32, leave out ("or society") and insert ("society or company")

Line 37, leave out ("be") and insert ("are")

Line 38, leave out ("of") and insert ("on")

Page 26.

Line 18, after ("sub-section 4.") insert ("or sub-section 5.")

Line 23, after paragraph 4. insert the following paragraphs :

5. Determination of the amount of interest, not exceeding two hundred pounds sterling, in the shares of the society which any member other than a registered society may hold.

6. Determination whether the society may contract loans or receive money on deposit subject to the provisions of sub-section (2.) of section 10 of this Act, from members or others ; and, if so, under what conditions, on what security, and to what limits of amount.

LORDS AMENDMENTS

TO THE

INDUSTRIAL AND PROVIDENT
SOCIETIES BILL.

*Ordered, by The House of Commons, to be Printed,
18 July 1876.*

[Bill 254.]

Under 1 oz.

Inns of Court Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation of terms.
3. Masters to hold office during life.
4. Meetings of barristers to be summoned within three months.
5. Election of Masters of the Bench.
6. The Masters of the Bench may confer honorary degrees.
7. Qualification of Masters of the Bench.
8. Vesting of the property of the societies in the Masters of the Bench as trustees.
9. Power of purchase and sale.
10. Attestation of deeds, &c.
11. Treasurers to represent societies in all legal proceedings.
12. Powers of internal management and control.
13. Complaint of misconduct by a barrister.
14. Preliminary inquiry.
15. Masters of the Bench to make rules and orders.
16. Masters of the Bench to report to Lord Chancellor.
17. Lord Chancellor to direct public trial.
18. No judge to preside at such trial before whom alleged misconduct shall have occurred.
19. Treasurers to prosecute.
20. Sentence of the Court.
21. Lord Chancellor to make rules and orders.
22. Saving of usages and customs of Inns of Court.

A
B I L L

TO

Provide for the election of Masters of the Bench of the Inns of Court, and to amend the procedure by which Members of the Bar are disbarred. A.D. 1876.

WHEREAS the Masters of the Bench of the Honourable Societies of Lincoln's Inn, the Inner Temple, the Middle Temple, and Gray's Inn are self-elected, and in prosecuting an inquiry into the alleged misconduct of any barrister, sit in private, and have no power of compelling the attendance of witnesses, or the production of documents, or of examining any witness under oath :

And whereas the Masters of the Bench of the said societies have for a long period exercised the privilege of conferring upon their members the right of practising as barristers, and have also for a long period exercised the power of disbarring such barristers for alleged misconduct, subject to an appeal to Her Majesty's judges :

And whereas the independence of members of the bar, in the performance of their professional duties, is essential to the security of life and property :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Inns of Court Election and Disbarment Act, 1875." Short title.

2. The word "Society" in this Act shall signify and include,— Interpretation of terms.
The Honourable Society or Inn of Court of Lincoln's Inn.
The Honourable Society or Inn of Court of The Inner Temple.
The Honourable Society or Inn of Court of the Middle Temple.
The Honourable Society or Inn of Court of Gray's Inn.

[Bill 258.]

A 2

A.D. 1876.

The words "Masters of the Bench" shall signify and include,—
The Masters of the Bench, or the benchers of such
Societies.

Masters to
hold office
during life.

3. All Masters of the Bench of the said four societies at the time of passing this Act shall hold their office during life, and when any 5
vacancy shall occur by death or otherwise, or if the number of the Masters of the Bench at the time of passing this Act shall be less than sixty in either of the said three societies of Lincoln's Inn, the Inner Temple, or the Middle Temple, or less than thirty in the society of Gray's Inn, such vacancies or deficiencies of number 10
shall be filled up in manner herein-after provided.

Meetings of
barristers to
be summoned
within three
months.

4. Within one month after the passing of this Act, the Masters of the Bench, if there be any deficiency in the numbers of Masters herein-before provided, or in the event of the Masters of the Bench of the said societies resolving to add to their numbers, shall, by 15
public notice inserted in the London Gazette, and in one or more newspapers, and so far as may be practicable, by summons addressed to every barrister of their respective societies, convene meetings of such barristers in their several halls. Such meetings shall be appointed to take place within three months after the 20
publication of the notice by which they are convened, and shall represent all the members of the societies.

Election of
Masters of
the Bench.

5. The barristers present at such meetings shall proceed to elect Masters of the Bench to fill such vacancy or deficiency of numbers, or addition to their numbers, by a majority of votes, such election 25
being by ballot or by open voting, as they shall determine.

The Masters
of the Bench
may confer
honorary
degrees.

6. The Masters of the Bench in office at the time of passing this Act or when elected in manner herein-before provided, shall have the power of conferring upon individuals, distinguished by their social position, or by their learning in the profession of the 30
law, or in other professions or pursuits, and whether subjects of Her Majesty or foreigners, honorary degrees as barristers-at-law, and of calling such individuals to the bench, and of assigning to them the rank in the societies which they shall deem fit.

Qualification
of Masters
of the Bench.

7. No barrister shall be elected a Master of the Bench, who has 35
not been called to the degree of barrister-at-law for a period of fifteen years, and when elected, the Masters of the Bench shall hold their offices during life, and shall rank in their respective societies according to their seniority at the bar. Any vacancy which shall from time to time occur by death or otherwise, shall be 40
filled by election in manner herein-before provided.

8. All real and personal estate, to which the societies are beneficially entitled, shall, upon their election, vest in the Masters of the Bench in trust for such societies respectively; and all real estate, stock, funds, and securities now vested or which hereafter shall be vested in the societies, by virtue of any devise, bequest, endowment, or gift for the purpose of establishing scholarships, lectureships, or for charitable or other purposes, shall also vest in the Masters of the Bench, upon trust to carry into effect the objects declared or intended by such devise, bequest, endowment, or gift.
9. The Masters of the Bench shall have power to demise or let the chambers or other property to which the societies are beneficially entitled, to tenants from year to year, and subject to such lawful conditions, stipulations, and covenants as they shall deem expedient, to demise the said chambers and property for such terms of years as they shall think fit. They shall also have power to acquire, by purchase or exchange, any property for the benefit of, and to alienate, by sale or exchange, any property now beneficially vested in the societies, and to raise by mortgage of such property any money that may be required for building or other purposes, and to enter into any contract or agreement necessary to effect the objects aforesaid.
10. All contracts and deeds under seal entered into by the Masters of the Bench shall be sufficiently attested if sealed with the seal of their respective societies, and signed by the treasurers thereof, and if not under seal, if signed by such treasurers.
11. In all actions, and in all other legal proceedings instituted by or against the societies, it shall be sufficient to make their respective treasurers parties, and each treasurer so made a party shall fully represent the Society by which he is appointed.
12. The Masters of the Bench elected according to the provisions of this Act shall have the same privilege of calling members of their respective societies to the bar as is now exercised by the present Masters of the Bench. They shall appoint readers, chaplains, lecturers, treasurers, and all other officers and the servants of the societies, and generally shall be entitled to do all acts, and exercise all powers of internal management and control necessary to maintain the discipline and promote the good government of the societies, subject nevertheless to the provisions herein-after contained, as to the mode of procedure to be adopted before any barrister can be disbarred.
13. If any complaint of misconduct by a barrister be made to the Masters of the Bench of any of the societies, and it shall

A.D. 1876.

Vesting of the property of the societies in the Masters of the Bench as trustees.

Powers of purchase and sale.

Attestation of deeds, &c.

Treasurers to represent societies in all legal proceedings.

Powers of internal management and control.

Complaint of misconduct by a barrister.

A.D. 1876.^a appear to them of sufficient gravity to deserve attention, they shall institute a preliminary inquiry into the alleged facts on which such complaint is founded.

Preliminary inquiry.

14. Such preliminary inquiry shall be conducted privately, unless the accused barrister desire that it shall be public, and the Masters of the Bench shall have the same powers of compelling the attendance of witnesses, the production of documents, and of examining witnesses under oath, as are now exercised by Her Majesty's High Court of Justice. 5

Masters of the Bench to make rules and orders.

15. The Masters of the Bench are also authorised and required to make whatever rules and orders may be necessary to render such preliminary inquiry effectual, and the rules and orders so made shall have the same legal authority as if they were inserted in this Act. 10

Masters of the Bench to report to Lord Chancellor.

16. If the Masters of the Bench shall be of opinion that no sufficient grounds exist for charging the accused barrister with misconduct, they shall grant him a certificate to that effect, but if they shall be of opinion that sufficient grounds do exist, then they shall forward a report of the preliminary inquiry they have made, and of the evidence on which their opinion is founded, to the Lord Chancellor, or if the Great Seal be in Commission, to the Lords Commissioners of the Great Seal. 15 20

Lord Chancellor to direct public trial.

17. Upon receiving such report the Lord Chancellor, or the Lords Commissioners of the Great Seal, shall forthwith direct a public trial of the accused barrister to take place, unless such barrister shall accept the decision arrived at in the previous inquiry. Such trial shall be presided over by the Lord Chancellor, or the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, or the Lord Chief Baron of the Exchequer, associated with one other Judge of Her Majesty's High Court of Justice, and the accused barrister shall have the option to require, that such trial shall also be by a jury of eight barristers of not less than *ten* years standing, *two* being chosen by lot from each of the societies. 25 30

No judge to preside at such trial before whom alleged misconduct shall have occurred.

18. No judge before whom the alleged misconduct of the accused barrister shall have occurred shall preside at such trial. 35

Treasurers to prosecute.

19. The treasurer of the society which has made the report, charging misconduct by any barrister, shall appear as prosecutor at such trial, and for that purpose shall be entitled to employ counsel and a solicitor. The accused barrister shall also be entitled to employ counsel and a solicitor at such trial, or may conduct his defence in person. 40

20. If the court hereby constituted shall be of opinion, that the accused barrister has been guilty of the misconduct with which he is charged, or if the jury summoned under the provisions of this Act, find that he has been guilty of such misconduct, sentence of disbarment shall be pronounced against him. If on the contrary the Court shall be of opinion, or the jury shall find, that the charges of misconduct have not been established, the accused barrister shall be free from such charges as if they had never been made.

A.D. 1876.

Sentence of
the court.

21. The Lord Chancellor is hereby authorised and required, to make all rules and orders as to the compulsory attendance of witnesses, the production of documents, the summoning of the jury, and as to all other matters necessary to render the said trial effectual, including the costs of such inquiry, and the rules and orders so made, shall have the same legal authority as if they were inserted in this Act.

Lord
Chancellor
to make
rules and
orders.

22. All usages and customs of the societies, and all powers and privileges hitherto exercised by the Masters of the Bench, except so far as they are expressly abolished or rescinded by this Act, or are inconsistent with its provisions, shall remain in full force.

Saving of
usages and
customs of
Inns of
Court.

A

B I L L

To provide for the election of Masters
of the Bench of the Inns of Court,
and to amend the procedure by which
Members of the Bar are disbarred.

(Prepared and brought in by
Mr. H. B. Sheridan, Mr. Ingram, and
Mr. Dillwyn.)

Ordered, by The House of Commons, to be Printed,
19 July 1876.

[Bill 258.]

Under 1 oz.

Intoxicating Liquors (Licensing Boards) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent of Act.
3. Interpretation.
4. Transference of licensing powers to an elected board.
5. Powers of board.
6. No appeal from licensing board.
7. Procedure of board.
8. Board districts.
9. Board to be elected by ratepayers.
10. Voting powers of electors.
11. Qualification of members.
12. Expenses of the board to be paid out of local rates.
13. Authenticity of precepts.
14. Indemnification of members.
15. Number of members to board.
16. Appointment of officers.
17. Duties of magistrates clerks, &c.
18. Time of election.
19. Appointment of returning officer, and summons to preliminary meeting.
20. Days for transferring licenses.
21. Time of licensing meeting.
22. Poll.
23. Expenses of election to be paid out of local rates.
24. Casual vacancy.
25. Determination of disputes as to qualification of members of the board.
26. Quorum.
27. Vacancies in board.

[Bill 6.]

Clause.

28. Disqualification of members of board.
 29. Causes of vacation of membership of board.
 30. Proceedings not to be vitiated by defect in election of members.
 31. Minutes signed by chairman receivable in evidence.
 32. Extraordinary meeting.
 33. Questions decided by majority.
 34. Record of members.
 35. Appointment of chairman.
 36. Vacancy in the office of chairman or vice-chairman.
 37. Absence of chairman.
 38. Casting vote of chairman.
 39. Appointment of officers.
 40. Occasional and canteen licenses.
 41. Billiard licenses.
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A
B I L L

TO

Provide for the election of Boards for granting Licenses for the sale of Intoxicating Liquors. A.D. 1876.

WHEREAS it is expedient to give to the ratepayers a more direct and immediate control over the traffic in intoxicating liquors :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited as the Licensing Board Act, 1876. Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

10 3. In this Act the term " granting a license " also means " granting a license by way of renewal." Interpretation.

4. The power of granting, withholding, and transferring licenses for the sale of intoxicating liquors at present vested by ninth of George the Fourth, chapter sixty-one, thirty-fifth and thirty-sixth of Victoria, chapter ninety-four, thirty-seventh and thirty-eighth of Victoria, chapter forty-nine, and various other Acts of Parliament in the licensing justices and the licensing committees of justices shall, on and after such day as hereafter provided, cease to be vested in, exercised, or exercisable by the aforesaid justices and committees of justices, and shall be vested in, exercised, and exercisable by elected licensing boards. Transference of licensing powers to an elected board.

5. The licensing board in its capacity as such shall possess the same rights and obligation, subject to the provisions hereafter stated, as those hitherto possessed by the licensing justices and

[Bill 6.]

A

A.D. 1876. licensing committees of justices, and all acts, orders, and regulations done and made by the licensing board shall have equal force and authority with those hitherto done and made by the licensing justices and licensing committees of justices in the lawful exercise of their functions as such.

5

No appeal
from licens-
ing board.

6. No appeal shall lie from any decision of the licensing board; provided, nevertheless, that nothing in this Act contained shall limit or otherwise affect the right to make any application to Her Majesty's High Court of Justice, or any division thereof, in reference to the granting, withholding, or transferring a license by the licensing board, that may now be made in reference to the granting, withholding, or transferring a license by the licensing justices.

10

Procedure
of board.

7. Subject to the provisions hereafter stated, application for licences, together with the preliminary proceedings incidental thereto, and all other matters relating to the granting, withholding, or transferring licenses, shall be conducted, as near as may be, in the same manner as heretofore; provided that such changes as may be deemed more convenient for the despatch of business shall be made by a majority of not less than two thirds of the board, subject to the approval of Her Majesty's Secretary of State for the Home Department.

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Board dis-
tricts.

8. The licensing board districts shall be identical in respect to area and limits with those of the poor law unions, and such alterations in respect to area and limits of the poor law unions as may hereafter be made by the Poor Law Board shall equally apply to the licensing board districts.

25

Board to be
elected by
ratepayers.

9. On such day in the month of February in the counties of Surrey and Middlesex, and on such day in the month of July in the other counties of England and Wales, as hereafter provided in every licensing board district, a licensing board shall be constituted and chosen, and such licensing board shall be elected by all persons not less than twenty-one years of age, and not subject to legal incapacity, who are rated or liable to be rated to the relief of the poor in the parish or parishes forming each licensing board district.

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Voting
powers of
electors.

10. At every election of a licensing board every voter shall be entitled to a number of votes equal to the number of the licensing board to be elected, but no elector may give more than one vote to each candidate.

40

A.D. 1876.

11. The licensing board elected under this Act shall consist only of persons residing and being rated or liable to be rated to the relief of the poor within such licensing board district.

Qualification of members.

12. All expenses incidental to the due exercise of the licensing board functions shall be paid out of the local rates, and for that purpose a precept shall be issued, directed to the local authorities, signed by the chairman and two other members of the board, and countersigned by the clerk. The receipt signed by the chairman and countersigned by the clerk shall be a sufficient discharge.

Expenses of the board to be paid out of local rates.

13. All precepts issued by the board shall be deemed to be duly executed if signed in the manner aforesaid; and in any legal proceedings it shall be presumed, until the contrary is proved, that the chairman and two members in signing any precept were authorised so to do.

Authenticity of precepts.

14. Members of the licensing board shall be indemnified out of the local rates for their respective licensing districts against any law costs or damages which they may incur in or in consequence of the due execution of the powers granted to them by this Act.

Indemnification of members.

15. The members of the licensing board shall be not less than five and not more than twenty-one in number; that is to say, for every district with not more than six thousand inhabitants, five members shall be elected; between six thousand and fifteen thousand inhabitants, seven members; between fifteen thousand and twenty-five thousand inhabitants, nine members; between twenty-five thousand and fifty thousand inhabitants, eleven members; between fifty thousand and a hundred thousand inhabitants, thirteen members; between a hundred thousand and a hundred and fifty thousand inhabitants, fifteen members; between a hundred and fifty thousand and two hundred thousand inhabitants, nineteen members; and over two hundred thousand inhabitants, twenty-one members.

Number of members to board.

16. The licensing board shall appoint a clerk and such other officers as they may deem requisite, to hold office at the pleasure of the board, at such salaries as they think fit, subject to the approval of Her Majesty's Secretary of State for the Home Department; and the clerk to the licensing board shall exercise the same functions and perform the same duties, subject to the provisions hereafter stated, as have hitherto been exercised and performed by the clerk to the licensing justices in his capacity as such.

Appointment of officers.

17. Magistrates clerks, police officers, and all other persons who have any duties to perform relative to the licensing justices, the

Duties of magistrates clerks, &c.

A.D. 1876. licensing committees of justices, and to the granting, withholding, or transferring of licenses, shall perform the like duties relative to the licensing board, and the granting, withholding, or transferring of licenses by such licensing board, subject to the provisions in this Act contained.

Time of election.

18. The first election for the licensing board shall take place within the counties of Surrey and Middlesex in the month of February one thousand eight hundred and seventy-seven, and in the other counties of England and Wales in the month of July one thousand eight hundred and seventy-seven, on such day as Her Majesty's Secretary of State for the Home Department shall appoint; and subsequent elections shall take place in the counties of Surrey and Middlesex in the month of February, and in the other counties of England and Wales in the month of July, every third year, on such day as from time to time shall be appointed by the licensing board.

Appointment of returning officer, and summons to preliminary meeting.

19. The Secretary of State for the Home Department shall name some person who shall be the returning officer for the first election, and for subsequent elections the chairman and vice-chairman shall appoint the returning officer of the licensing board; and such returning officer shall issue to all and every those persons elected to serve on the licensing board notice of their election, together with a summons to a preliminary meeting whereat shall be fixed the days on which the board shall meet for the purpose of granting and transferring licenses; and during the period within which the board hold office, it shall be the duty of the chairman or acting chairman to summon the members to such preliminary meeting which shall take place in the counties of Surrey and Middlesex every year in the month of February, not later than the twenty-fourth, and in the other counties of England and Wales every year in the month of August, not later than the fifteenth, on such day as may be deemed convenient by the aforesaid persons respectively.

Days for transferring licenses.

Time of licensing meeting.

20. The days for transferring licenses shall be such number, not less than eight, in every year as may be determined by the board.

21. The day on which the board shall meet for the purpose of granting licenses shall be held in the counties of Surrey and Middlesex within the first ten days of March inclusive, and in the rest of the counties of England and Wales shall be held on some day between the twentieth day of August and the fourteenth day of September every year; and the board shall have the same power of making adjournments as is at present vested in the licensing justices and licensing committees of justices.

22. Subject to the provisions heretofore stated the election of the licensing board shall be held in such manner and in accordance with such regulations as Her Majesty's Secretary of State for the Home Department may prescribe, and the Secretary of State for the

A.D. 1876.
Poll.

5 Home Department shall do all necessary things preliminary or incidental to such election; provided that any poll should be taken in the metropolis in like manner as a poll is taken under the Metropolis Management Act, 1855, and the Acts amending the same, and shall be taken in any other district as a poll of burgesses or ratepayers, as the case may be, is usually taken in such district.

10 23. The expenses of the election and taking the poll, and all other expenses incidental thereto, shall be paid out of the local rates upon precept being issued in the manner heretofore provided to the local rating authorities, subject in case of dispute to the approval of Her Majesty's Secretary of State for the Home Department.

Expenses of election to be paid out of local rates.

15 24. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, an election shall be held within six weeks from the date of such vacancy, in the manner and under the powers contained in the foregoing sections; and no election under this Act shall be questioned on the ground of the title of the

Casual vacancy.

20 25. In case any question arises as to the right of any person to act as a member of a licensing board under this Act, Her Majesty's Secretary of State for the Home Department may, if he think fit, inquire into the circumstances of the case, and make such order as he deem just for determining the question; and such order shall be final unless removed by writ of certiorari within six months after the making of such order.

Determination of disputes as to qualification of members of the board.

30 26. The quorum, to be fixed from time to time by a majority of members of the licensing board, shall consist of not less than three members.

Quorum

27. No act or proceedings of the licensing board shall be questioned on account of any vacancy or vacancies in their body.

Vacancies in board.

35 28. No person who shall be a common brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor, or who shall be concerned in partnership with any common brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor, shall be eligible for election upon the licensing board; and any election made contrary to the foregoing provision shall be null and void; and no member of the licensing board at any

Disqualification of member of board.

A.D. 1876. meeting for the granting, withholding, or transferring licenses under this Act shall vote or take any proceedings in any part of the board with reference to the license of any house of which such member shall be owner or part owner, or of any house being in whole or in part the property of any person to whom such member shall be the partner in any other trade or calling; and every member who being hereby so disqualified shall knowingly or wilfully so offend, shall forfeit the sum of *one hundred pounds*, to be recovered by action in Her Majesty's High Court of Justice at Westminster, one half of which sum shall go to the Crown and the other half to the person who brings the action. 5 10

Causes of
vacation of
membership
of board.

29. If a member of the licensing board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished by imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the licensing board, and his office shall thereupon be vacant. 15

Proceedings
not to be
vitiated by
defect in
election of
members.

30. No disqualification of or defect in the election of any person or persons acting as member or members of the licensing board shall be deemed to vitiate any proceedings of such board in which he or they have taken part wherein the majority of members, parties to such proceedings, were duly entitled to act. 20

Minutes
signed by
chairman
receivable
in evidence.

31. Any minute made of proceedings at meetings of the licensing board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place, or at the next ensuing meeting of the board, shall be receivable as evidence in all legal proceedings without further proof; and until the contrary is proved every meeting of the licensing board, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act. 25 30

Extraordi-
nary meet-
ing.

32. An extraordinary meeting of the board shall be held at any time at the written requisition of three members of the board addressed to the clerk to the board. 35

Questions
decided by
majority.

33. Every question shall be decided by a majority of the members present and voting on that question.

Record of
members.

34. The names of the members present, as well as those voting upon each question, shall be recorded.

Appoint-
ment of
chairman.

35. The board shall at their first meeting, and afterwards from time to time at their preliminary meetings after each triennial 40

election, appoint some one of their number to be chairman, and one other of their number to be vice-chairman for the three years for which the board hold office. A.D. 1876.

36. If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy; and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened, and until such chairman is appointed the vice-chairman shall hold office as chairman. Vacancy in the office of chairman or vice-chairman.

37. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman or the vice-chairman be present, then the members present shall choose one of their number to be chairman of such meeting. Absence of chairman.

38. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote. Casting vote of chairman.

39. The appointment of any officer shall be made by a minute of the board, signed by the chairman and two other members of the board, and any appointment so made shall be valid. Appointment of officers.

40. Nothing contained in this Act shall affect the mode of application for and granting occasional and canteen licenses. Occasional and canteen licenses.

41. The licensing board shall have such power of granting, transferring, or withholding billiard licenses as has heretofore been vested in the licensing justices. Billiard licenses.

A

B I L L

To provide for the election of Boards
for granting Licenses for the sale of
Intoxicating Liquors.

(Prepared and brought in by
*Mr. Joseph Cowen, Sir Henry Hazelock, Mr. Burt,
and Mr. Norwood.*)

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 6.]

Under 2 oz.

A
B I L L

TO

Amend the Licensing Laws.

A.D. 1876.

WHEREAS it is expedient to prevent the further granting of new licenses to sell by retail at shops intoxicating liquors to be consumed off the premises, and to restrain the granting of new licenses for the sale of intoxicating liquors in
5 inns, alehouses, victualling houses, and beerhouses to be consumed upon or off the premises :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
10 and by the authority of the same, as follows :

1. This Act may be cited as the Licensing Act, 1876.

Short title.

2. After the passing of this Act it shall not be lawful for the Commissioners of Inland Revenue to grant to any person a license authorising him to sell any intoxicating liquor by retail, for con-
15 sumption off the premises, at any shop not kept exclusively for the sale of intoxicating liquors, unless that person is so authorised at the time of the passing of this Act.

Prohibition of grant of new licenses for sale of intoxicating liquors at shops.

3. After the passing of this Act it shall not be lawful to grant any new license for the sale of any intoxicating liquor unless the
20 applicant for the license satisfies the licensing justices and (where the license requires confirmation) also the confirming authority that the proportion of licensed premises to inhabitants in the town, place, or parish where the premises in respect of which the application is made are situate does not exceed the following ratio ;
25 that is to say,

No new licenses to be granted where proportion of licensed premises to population exceeds specified ratio.

(1.) If the premises in respect of which the application is made are situate in a town or populous place, *one to five hundred* inhabitants of that town or place :

[Bill 56.]

2 *Intoxicating Liquors (Licensing Law Amendment)*. [39 VICT.]

A.D. 1876. (2.) If the premises in respect of which the application is made are not situate in a town or populous place, *one to three hundred* inhabitants of the parish in which those premises are situate.

Restrictions
on removal of
licenses.

4. After the passing of this Act an order sanctioning the removal of a license shall not be made unless the applicant for the order satisfies both the justices to whom the application is made and the confirming authority—

- (1.) That the proportion of licensed premises to inhabitants in the town, populous place, or parish to which the license is to be removed does not exceed the proportion specified in this Act with respect to the grant of new licenses; and
- (2.) That a majority of the ratepayers in the immediate neighbourhood of the place to which the license is to be removed are in favour of the removal.

15

Definitions.

5. In this Act, unless the context otherwise requires, the expressions used have the same respective meanings as in the Licensing Acts, 1872–74.

**Intoxicating Liquors
(Licensing Law Amend-
ment).**

A

B I L L

To amend the Licensing Laws.

(Prepared and brought in by
Sir Harcourt Johnstone, Mr. Birley, Mr. Pease,
and Mr. Bell.

*Ordered, by The House of Commons, to be Printed,
10 February 1876.*

[Bill 56.]

Under 1 oz.

A

B I L L

TO

—Amend the Licensing Laws.

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 **1.** This Act may be cited as the Licensing Act.

Short title.

2. This Act shall not extend to Scotland or Ireland.

Extent of Act.

3. This Act shall not apply to or affect any premises in respect of which a justice's license authorising the sale of intoxicating liquors having been in force at the time of the passing of this Act, and kept in force continuously by renewal, with or without transfer, is for the time being in force.

Act not to apply to premises now licensed.

4. Whereas under section eight of the Wine and Beerhouse Act, 1869, a justice's license (therein called a certificate) authorising the sale by retail of beer, cider, or wine, not to be consumed on the premises, may not be refused except upon certain grounds therein specified; and it is expedient to place the refusal of such licenses in the discretion of the licensing justices: Be it therefore enacted that so much of the said section as limits that discretion, namely, the part thereof from the words "subject to this qualification" to the end of the section, shall be repealed.

Amendment of 32 & 33 Vict. c. 27. s. 8.

5. Whereas by section sixty-eight of the Licensing Act, 1872, it is provided that no person shall sell by retail liqueurs or spirits under the authority of any retail license which such person has obtained as a wholesale spirit dealer from the Commissioners of Inland Revenue, except in premises occupied and used exclusively for the sale therein of intoxicating liquor, and which premises have no communication with the premises of nor are in any way occupied by a person who is carrying on any other trade or business, unless such person has first obtained from the licensing justices a license authorising such sale in premises not exclusively

Amendment of 35 & 36 Vict. c. 94. s. 63.

[Bill 116.]

2 *Intoxicating Liquors (Licensing Law Amendment) (No. 2.)*

A.D. 1876. so occupied or used; and it is not expedient that any further
— grant of such last-mentioned licenses be made: Be it therefore
enacted that the said section shall be repealed in part, namely,
from the words, “unless such person,” to the end of the section.

Repeal.

24 & 25 Vict.
c. 21. s. 3.

6. The following enactments are hereby repealed; that is to say, 5

(1.) Section three of an Act of the session held in the twenty-
fourth and twenty-fifth years of Her Majesty, chapter
twenty-one, intituled An Act for granting to Her Majesty
certain duties of excise and stamps (relating to excise
licenses for the sale of table beer);

10

35 & 36 Vict.
c. 94. s. 69.

(2.) Section sixty-nine of the Licensing Act, 1872, (relating
to justice’s licenses for the sale by retail of liqueurs or
spirits for consumption off the premises,) and

37 & 38 Vict.
c. 49. ss. 24,
31.

(3.) Sections twenty-four and thirty-one of the Licensing Act,
1874.

15

Provided that this repeal shall not affect anything duly done or
suffered or any right or privilege acquired or liability incurred
under any enactment hereby repealed.

**Intoxicating Liquors
(Licensing Law
Amendment) (No. 2.)**

A

B I L L

To amend the Licensing Laws.

(Prepared and brought in by
Sir Harcourt Johnstone, Mr. Birtley,
Sir John Kennedy, and Mr. Pease.)

Ordered, by The House of Commons, to be Printed,

30 March 1876.

[Bill 116.]

Under 1 oz.

Intoxicating Liquors (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title and extent of Act.
 2. Interpretation.
 3. New certificates not to be granted in excess of proportion of *one to five hundred* of population.
 4. New certificates not to be granted to grocers after passing of Act.
 5. Removal of certificates from one district to another.
 6. Mode of sale of spirits by grocers.
 7. Powers of licensing authority.
 8. Abolition of table beer licenses.
-

A

B I L L

TO

Amend the Law relating to the sale by retail of Intoxicating A.D. 1876.
Liquors in Scotland.

- W**HEREAS an Act was passed in the ninth year of the reign of His Majesty King George the Fourth, intituled “An Act to 9 Geo. 4.
“ regulate the granting of certificates by justices of the peace and c. 58. (1828).
“ magistrates authorising persons to keep common inns, alehouses,
5 “ and victualling houses in Scotland in which ale, beer, spirits,
“ wine, and other exciseable liquors may be sold by retail under
“ excise licenses, and for the better regulation of such houses, and
“ for the prevention of such houses being kept without such certi-
“ ficate;” and another Act was passed in the sixteenth and seven-
10 tenth years of the reign of Her present Majesty, intituled “An 16 & 17 Vict.
“ Act for the better regulation of public-houses in Scotland;” and c. 67. (1853).
another Act was passed in the twenty-fifth and twenty-sixth years
of the reign of Her said Majesty, intituled “An Act to amend 25 & 26 Vict.
“ the Acts for the regulation of public-houses in Scotland.” c. 35. (1862).
- 15 And whereas it is expedient to restrict the issue of certificates
for licenses to be granted after the passing of this Act until the
legislature has further dealt with the law relating to the sale by
retail of intoxicating liquors :
- Be it enacted by the Queen’s most Excellent Majesty, by and
20 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :
1. This Act may be cited as “The Intoxicating Liquors (Scot- Short title
land) Act, 1876,” and shall apply to Scotland only. and extent
of Act.
- 25 2. In this Act the words and expressions following shall have the Interpretation.
meaning herein-after assigned to them, unless there be something in
the subject or context repugnant to such construction; viz., “burgh”
and “populous place” have the same meanings respectively as
are attached thereto in “The General Police and Improvement
30 (Scotland) Act, 1862”; “population” means the population within
[Bill 91.] A

A.D. 1876. any burgh, populous place, or parish as appearing at the time from the census last taken; "intoxicating liquors" mean ale, beer, spirits, wine, and all other exciseable liquors for the sale of which by retail a license on a certificate of the licensing authority is required; "licensing authority" means the magistrates of burghs and justices of the peace entitled to act at any meeting for granting and renewing certificates within any district under the recited Acts.

New certificates not to be granted in excess of proportion of one to five hundred of population.

3. *From and after the passing of this Act*, and until the legislature shall have otherwise provided, it shall not be lawful for the licensing authority to grant to any person in respect of premises not licensed at the time of the passing of this Act a certificate for a license under the recited Acts in any burgh, populous place, or parish in which the number of certificates granted by the licensing authority shall at any time exceed the proportion of *one to five hundred* of the population: Provided that when or so soon as the number of certificates granted in any such burgh, populous place, or parish shall not exceed the proportion aforesaid, every applicant for a certificate for any such unlicensed premises therein shall, in addition to the requirements of the recited Acts, be bound to satisfy the licensing authority that his application is approved by a majority of the persons rated for the relief of the poor on premises situated within *five hundred yards* of the premises proposed to be licensed.

New certificates not to be granted to grocers after passing of Act.

4. *From and after the passing of this Act* it shall not be lawful for the licensing authority to grant to any grocer any certificate for a license to include the sale by retail of intoxicating liquors, unless such grocer shall at the time of the passing of this Act hold a license under the recited Acts: Provided that it shall be lawful for the licensing authority to grant certificates enabling the holder thereof to obtain a license for the sale by retail of intoxicating liquors not to be consumed on the premises, in rural districts, where there shall be no premises licensed for such sale situated or accessible within two miles of the premises in respect of which such certificate shall be applied for.

Removal of certificates from one district to another.

5. The licensing authority may at any half-yearly meeting, at their discretion, remove a certificate from premises in their licensing district to any other eligible premises in the same or in any adjoining licensing district within the same county, if in their opinion the removal be necessary in order to meet the wants of the neighbourhood to which the removal is to be made, and if no objection is made by the occupier of the premises from which the removal is to be made; and the licensing authority may, for the pur-

poses of this clause, require such proof and make such adjournments as they think fit; and every application for a removal shall be proceeded with and be advertised and be subject to the like objections as are prescribed by the third recited Act with respect to applications for certificates and renewals thereof: Provided that every applicant for such removal of a certificate shall, in addition to the requirements of the recited Acts as aforesaid, be bound to satisfy the licensing authority that his application is approved by a majority of the persons rated for the relief of the poor on premises situated within *five hundred yards* of the premises proposed to be licensed.

A.D. 1876.

6. *From and after the passing of this Act* it shall not be lawful for any grocer, being a license holder, to sell a less quantity of spirits at any one time than the contents of a reputed quart bottle, being *one sixth part of a gallon*, to be contained in a bottle which at the time of such sale shall be properly corked and sealed; and if any such grocer shall act in the contrary hereof, he shall be deemed to have committed a breach of certificate, and shall be liable to the procedure and penalties applicable thereto provided by the recited Acts: Provided that nothing herein contained shall apply to dealers in exciseable liquors only, holding certificates and licenses under the recited Acts.

Mode of sale of spirits by grocers.

7. The licensing authority shall have and exercise the powers conferred by the recited Acts with respect to the granting or refusing to grant certificates for the renewal or transfer of licenses: Provided that in any case where a license holder shall become bankrupt before the expiration of his certificate, or shall have been *twice* convicted of breach of certificate, it shall not be lawful for the licensing authority, after such bankruptcy or second conviction of breach of certificate, to grant any renewal or transfer of such certificate or to grant a certificate for license of such premises to any new tenant or occupier of the house and premises which had been kept by such license holder at the time of his bankruptcy or second conviction as aforesaid.

Powers of licensing authority.

8. *From and after the passing of this Act* it shall not be lawful for any person to obtain an excise license for the sale of table beer in any house or shop; and the provisions of any Act now in force authorising the granting of such licenses, and of clause seven of the third recited Act, with respect to the regulation of houses, shops, and premises kept by persons holding licenses for the sale of table beer, are hereby repealed.

Abolition of table beer licenses.

Intoxicating Liquors (Scotland).

A

B I L L

To amend the Law relating to the sale
by retail of Intoxicating Liquors in
Scotland.

*(Prepared and brought in by
Sir Robert Anstruther, Mr. Dalrymple,
Mr. Maitland, and Mr. Jenkins.)*

*Ordered, by The House of Commons, to be Printed,
1 March 1876.*

[Bill 91.]

Under 1 oz.

Irish Church Act, 1869, Amendment (No. 3) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Interpretation.
3. Sale of fee simple of lands to immediate lessees and owners.
4. Value of lessee's or tenant's interest to be settled by arbitration in certain cases.
5. Duty on sale of interests under this Act to be paid by Commissioners.
6. Deduction in respect of income tax in certain cases.
7. Provisions of Act to apply to sales of interests already made to immediate lessees and tenants.

A
B I L L

TO

Amend the Irish Church Act of 1869, by extending to Lessees and Tenants holding under the Irish Church Temporalities Commissioners the right of purchasing the Fee Simple of their Holdings, subject to the Conditions allowed by section seven of the Act of the thirty-fifth and thirty-sixth years of Victoria, chapter ninety, to purchasers of Tithe Rent-charge. A.D. 1876.

WHEREAS it is expedient to amend the Irish Church Act, 1869:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Irish Church Act, 1869, Amendment Act, 1876." Short title.

2. In this Act words and expressions to which by the Irish Church Act, 1869, meanings have been assigned shall have the same meanings respectively. Interpretation.

The term "principal Act" shall mean the Irish Church Act, 1869.

3. The Commissioners may at any time after the *passing of this Act* sell to their immediate lessee or tenant the fee simple of any land vested in them under the principal Act, and held immediately from or under them by virtue of any lease or tenancy, such sale to be in consideration of a sum equal to at least *twenty* times the amount of the general tenement valuation of such land, but in no case to exceed *twenty-five* times the amount of such valuation, less such sum in the pound as such lessee or tenant shall be ascertained by the Commissioners to have been, on an average of five years preceding the passing of the said Act, entitled to deduct for poor rates

Sale of fee simple of lands to immediate lessees and owners.

[Bill 103.]

A.D. 1876. from the rent payable out of said land by him ; and upon any such sale being so made the Commissioners shall by order declare the rent payable to them out of such land to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly. 5

Upon the application of any lessee or tenant so purchasing the Commissioners may by order declare his purchase money to be payable by instalments, and the land so purchased to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing, with an annual sum calculated at the rate of *four pounds nine shillings* per centum on the purchase money, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rent heretofore payable out of the same lands by such immediate lessee or tenant so purchasing. 10

“ Lessee or tenant ” for the purposes of this Act shall mean the person for the time being who holds any land immediately from or under the Commissioners by virtue of any lease or tenancy. 15

Value of lessee's or tenant's interest to be settled by arbitration in certain cases.

4. Where any person being an immediate lessee or tenant desiring to purchase the fee simple of his land under this Act feels aggrieved by the value set by the Commissioners on such fee simple, he may, if he think fit, refer such question to arbitration in manner prescribed by the principal Act. 25

Duty on sale of interests under this Act to be paid by Commissioners.

5. The amount of duty payable upon any order made by the Commissioners upon sale under this Act shall be paid by the Commissioners out of any funds at their disposal. 30

Deduction in respect of income tax in certain cases.

6. Where the repayment of any principal sum, together with interest thereon, is payable to the Commissioners by annual instalments, it shall be lawful for the Commissioners to make an allowance in respect of income tax on such part of such instalments as are payable in respect of interest, according to the scale in the schedule to “ The Irish Church Act, 1869, Amendment Act, 1872.” 35

Provisions of Act to apply to sales of interests already made to immediate lessees and tenants.

7. The provisions of this Act shall be deemed to be and shall be an accretion to sub-section five of section thirty-four of the principal Act, and where the Commissioners have under the provisions of the sub-section made any sale to an immediate lessee or tenant, he or his legal representatives may avail himself or themselves of section 40

four of this Act, and the Commissioners shall make such allowance and concessions to him or to his legal representatives as will place him or his said representatives in a position similar to that in which he would have been placed had the provisions of this Act been
5 in force at the time of such sale, and such sale had been made there-
under.

A.D. 1876.

Irish Church Act, 1869, Amendment (No. 3).

A

B I L L

To amend the Irish Church Act of 1869,
by extending to Lessees and Tenants
holding under the Irish Church Tem-
poralities Commissioners the right of
purchasing the Fee Simple of their
Holdings, subject to the Conditions
allowed by section seven of the Act
of the thirty-fifth and thirty-sixth
years of Victoria, chapter ninety,
to purchasers of Tithe Rentcharge.

(*Prepared and brought in by
Mr. Parnell and Mr. Fay.*)

*Ordered, by The House of Commons, to be Printed,
10 March 1876.*

[Bill 103.]

Under 1 oz.

A

B I L L

INTITULED

An Act to amend the Law concerning the Peerage of Ireland. A.D. 1876.

WHEREAS it is expedient that Peerages should no longer be created which do not confer the right to sit and vote in the House of Lords :

And whereas in the last Session of the present Parliament of
 5 Her Majesty Queen Victoria an humble Address was presented to Her Majesty by the Lords Spiritual and Temporal in Parliament assembled, praying Her Majesty that the power conferred on Her Majesty under the Act of Union for the creation of Irish Peers might not stand in the way of the consideration by Parlia-
 10 ment of any measure relating thereto that might be introduced :

And whereas to the said Address Her Majesty was graciously pleased to return the following answer : “ Relying on the wisdom
 “ of Parliament I do not desire that the powers reserved to Me
 “ by the Act of Union of making creations and promotions in
 15 “ the Peerage of Ireland should stand in the way of the considera-
 “ tion by Parliament of any measure that may be introduced on
 “ that subject ” :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
 20 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. So much of the Acts passed in the Parliaments of Great Britain and Ireland respectively “ for the union of Great Britain and Ireland,” as authorises Her Majesty, Her heirs and successors,
 25 to create Peers of that part of the United Kingdom called Ireland, is hereby repealed.

40 Geo. 3. c. 67. (G. B.) and 39 & 40 Geo. 3. c. 38. (I.), so far as relates to creating Peers of Ireland, repealed.

2. This Act may be cited as “ The Irish Peerage Act, 1876.”

Short title.

[Bill 149.]

A

B I L L

INTRODUCED

An Act to amend the Law concerning
the Peerage of Ireland.

(Brought from the Lords 11 May 1876.)

*Ordered, by The House of Commons, to be Printed,
15 May 1876.*

[Bill 149.]

Under 1 oz.

A
B I L L

TO

Make Provision respecting the Superannuation Allowances or Pensions of Persons employed in the Service of Her Majesty in the Government of the Isle of Man. A.D. 1876.

WHEREAS it is expedient to make provision respecting the superannuation allowances or pensions of persons employed in permanent offices in the service of Her Majesty in the government of the Isle of Man, in cases where they have served Her Majesty in some other civil capacity :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 **1.** Where a person employed in a permanent office in the service of Her Majesty in the government of the Isle of Man, qualifying him to receive a superannuation allowance out of the duties of customs collected in the said Isle, has been employed also in some other civil capacity, service in the said office shall, for the purposes of the Superannuation Act, 1859, and the Colonial Governors Pensions Acts, 1865 and 1872, be deemed to be service in the permanent Civil Service of the State, and the said office shall be deemed to be an office in a public department, and the said person shall be qualified to receive a superannuation allowance or pension accordingly :

Reckoning of service in office in the government of the Isle of Man for purposes of superannuation allowance or pension.
22 Vict. c.26.
28 & 29 Vict. c. 113.
35 & 36 Vict. c. 29.

Provided that the Commissioners of Her Majesty's Treasury shall determine according to the circumstances of the case and the principles of the said Acts, the portion of every such superannuation allowance or pension which is payable on account of service in the said office in the government of the Isle of Man,

[Bill 215.]

A.D. 1876. — and that portion shall be deducted from the superannuation allowance or pension payable out of moneys provided by Parliament, and shall be paid as part of the necessary expenses attending the government of the Isle of Man out of the duties of customs collected in that island.

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“ Civil capacity ” in this section means the permanent Civil Service of the State, and also the administration of the government of any colony within the meaning of the Colonial Governors Pensions Act, 1865.

Short title. 2. This Act may be cited as the Isle of Man (Officers) Act, 1876. 10

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B I L L

To make Provision respecting the
Superannuation Allowances or Pen-
sions of Persons employed in the
Service of Her Majesty in the Govern-
ment of the Isle of Man.

(Prepared and brought in by
Sir Henry Selwyn-Ibbetson and Mr. Secretary
Cross.)

Ordered, by The House of Commons, to be Printed,
29 June 1876.

[Bill 215.]

Under 1 oz.

Juries Procedure (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation.
3. Construction.
4. Summoning of jurors.
5. Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.
6. Summoning of jurors. Books of summonses to be kept.
7. Execution of Act by Royal Irish Constabulary.
8. Judges may order jury summons to be sent by post.
9. Lord Lieutenant in Council to fix limits of expenses.
10. Challenges in civil and criminal trials.
11. Adjournment to enable jurors to view places.
12. Jurors de v. in. abolished. Power for court to direct inquiry by medical men.
13. Power to correct jurors books may be exercised by any judge, &c.
14. Power to judge to excuse jurors from serving.
15. Repeal of section 24 of 34 & 35 Vict. c. 65.
16. Challenge to the array.
17. Names of persons summoned as grand jurors at Green Street not to be initialed or omitted in taking subsequent panel.
18. Names of jurors in criminal cases to be ballotted for.
19. Amendment of 13 & 14 Vict. c. 85. as to county of the town of Drogheda.
20. Amendment of the Juries (Ireland) Acts as to jurors books in certain counties, counties of cities, and counties of towns.
21. Bailliwick of sheriffs of certain counties to include certain counties of cities and towns.
22. As to grand juries at Green Street.
23. Exemption from serving on juries.
24. Disqualifications.
25. Abolition of market juries.

SCHEDULES.

A
B I L L

TO

Amend the Procedure connected with Trial by Jury in
Ireland.

A.D. 1876.

WHEREAS it is expedient to amend the procedure connected
with trial by jury in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Juries Proce- Short title.
dure (Ireland) Act, 1876."

2. The term "Juries (Ireland) Acts" in this Act shall mean Interpreta-
10 The Juries (Ireland) Acts, 1871 to 1872, and the Acts altering, tion.
amending, or affecting the same for the time being in force.

3. The Juries (Ireland) Acts as amended by this Act and this Act Construction.
shall be construed together as one Act.

4. With respect to the summoning of jurors in rotation by the Summoning
15 sheriff or other officer under the Juries (Ireland) Acts, the following of jurors.
provisions shall have effect :

1. The names of persons who when last summoned to attend as
jurors have not attended in obedience to such summons
shall be taken from the jurors books by the sheriff or other
20 officer in the same manner as the names of persons who
under the provisions of the said Acts are to be taken from
the jurors books in rotation as persons who have not been
summoned ; and for the purpose of aiding the sheriff in ascer-
taining the persons who when summoned to attend as jurors
25 have not so attended, it shall be the duty of the person acting
as clerk of the Crown, clerk of the peace, or registrar, as the
case may be, of any court to which persons shall have been
summoned at the commencement of the sittings of such

[Bill 126.]

A

A.D. 1876.

court, or as soon thereafter as conveniently may be, even though there be no business requiring the empannelling of a jury, to call over the panel returned by the sheriff, and to mark thereon the names of all jurors who shall have attended and answered when called, and immediately after the termination of the sittings of such court to return a copy of such panel so marked to the sheriff, who shall thereupon mark on the jurors book the names of the jurors who have attended in obedience to such summons :

2. The persons whose names shall be returned to serve as grand jurors or petit jurors at any general quarter sessions of the peace, or in any civil bill court, shall be resident within the division in and for which such sessions or civil bill court are or is held, and where such sessions or civil bill court are or is held at more than one place in such division, the jurors returned shall be resident within such petty sessions district or districts conveniently near to the place in which such sessions or court are or is held as may be prescribed by the chairman of such county in any order made under the authority of this Act, and for such purpose the sheriff or other officer in returning the said names according to the alphabetical order of selection shall when necessary for the purpose of complying with this enactment omit the name of any person not resident in such division, and may for such purpose omit the name of any person not resident in the petty sessions district or districts so prescribed as aforesaid :
3. Where a juror in attendance at any court shall have travelled a distance of not less than fifteen miles from his usual place of abode for the purpose of such attendance, it shall be lawful for the judge of such court in his discretion, upon the application of such juror, having regard to the time necessarily occupied and the expense necessarily incurred in such travelling, to grant to such juror a certificate of exemption for the next occasion or occasions when such juror would, in the ordinary course, be selected to be returned as a juror on any panel for any purpose whatsoever ; and if such certificate shall be forwarded to the office of the sheriff within whose bailiwick such court was held within *ten days* from the granting thereof, but not otherwise, an entry of the same shall be made opposite the name of such juror in the general jurors book or special jurors book ; and thereupon the sheriff or other officer shall omit to select such juror on the occasion or occasions specified in such certificate when such juror would

be selected in ordinary course; and after every such omission the sheriff or other officer shall, in making any subsequent selection and return, treat such juror as though he had on the occasion of each such omission been duly selected, returned, and summoned, and had attended in accordance with such summons. A.D. 1876.

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5. Where any general quarter sessions of the peace or any civil bill court are or is held at more than one place in any division of a county, the chairman of such county shall within *three months* after the passing of this Act, by order under his hand and seal, direct that the jurors returned to serve as grand jurors or petit jurors at such general quarter sessions or civil bill court shall be resident within such petty sessions district or districts as may in his opinion be conveniently near to the place in which such sessions or court are or is held, and as are prescribed by such order, and he shall forthwith, after the making of such order, deliver the same to the clerk of the peace for such county, by whom it shall be duly filed in his office and preserved among the records of such county, and the clerk of the peace for such county shall forthwith transmit a copy of such order to the sheriff of such county for the time being, and to every succeeding sheriff of such county immediately after his appointment to his office of sheriff, and from and after the making and filing of such order in manner aforesaid, the jurors at such courts shall be summoned in accordance therewith.
6. Section twenty-one of the Juries (Ireland) Act, 1871, shall be and the same is hereby repealed, and in lieu thereof be it enacted that, save as by the Juries (Ireland) Acts, 1871 to 1872, and by this Act expressly provided, the summons of every person to serve on any jury in any court shall be made *four days* at least before the day on which the attendance of such person shall be required by a constable or sub-constable of the Royal Irish Constabulary acting in and for the county or borough in which such person shall reside by delivering a summons to the person to be summoned, or in case he shall be absent from his usual place of abode, by leaving such summons with some person therein inhabiting, and every summons requiring the attendance of any person as a juror shall be duly and properly filled with the name of the juror, and shall be signed by the sheriff or other officer, previous to such summons being delivered to such constable or sub-constable for service; and every constable or sub-constable summoning jurors under this Act shall keep a book or books in which he shall truly enter the name of every person so summoned

Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.

Summoning of jurors. 34 & 35 Vict. c. 65. s. 21.

Books of summonses to be kept.

A.D. 1876. by him, with the day on which such summons shall be served, and the manner and particulars of the service thereof, and every such constable and sub-constable shall attend, and shall (if required) produce such book or books at the sitting of the court, and verify the same upon oath, or shall cause such book or books to be 5 produced to the court in case of his unavoidable absence, and in case of the death, illness, or unavoidable absence of such constable or sub-constable, the book kept by him as aforesaid, verified on oath as to his handwriting by some credible person, shall (if required) be produced to the court, and shall be *prima facie* 10 evidence of the truth of the several matters entered therein as aforesaid, and if any such constable or sub-constable shall, without reasonable excuse, neglect to summon any juror as herein-before directed, or to keep such book or books, or to make such entries therein as aforesaid, or to attend the court, or produce or verify or 15 cause to be produced the said book or books as herein-before provided, every constable or sub-constable so offending may, for every such neglect, be fined by the court in a summary way in any amount not exceeding *ten pounds* for each such offence, with the alternative of imprisonment in default of payment of such fine for 20 any period not exceeding *seven days*.

Execution
of Act by
Royal Irish
Constabulary.

7. The officers and men of the Royal Irish Constabulary shall respectively afford assistance to sheriffs and other officers in the execution of this Act, and, subject to such regulations as may be made under this Act, do such acts as may respectively be required 25 of them and as they may be able to do without interfering with their permanent duty.

The Inspector General of the Royal Irish Constabulary shall make such orders with respect to the execution of this Act by the officers and men of the said constabulary as he may think proper and as the 30 Chief Secretary to the Lord Lieutenant of Ireland shall approve, and he may from time to time and with the like approval revoke, alter, or amend such orders, or may make new orders in lieu of the same.

Judges may
order jury
summons to
be sent by
post.

8. It shall be lawful for any judge of assize in any county 35 from time to time by order under his hand to direct that the summonses for the attendance of jurors in such county or any part of the same shall for such period as may be specified in such order be served by post, and every such order shall be entered in the Crown Book; and thereupon the provisions of the Juries Act 40 (Ireland), 1871, in reference to the transmission by post of jury summonses in the county of the city of Dublin shall during the

period specified in such order be and the same are hereby extended to the summoning of jurors and service of notices in such county, or such part of such county. A.D. 1876.

9. The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or scales according to which the expenses of printing and the remuneration of clerks of the peace, clerks of poor law unions, and the collector-general of rates in the city of Dublin, in carrying into execution the several purposes of the Juries (Ireland) Acts, and thereby made payable, shall be calculated, and thereupon such expenses and remuneration shall in each case be calculated according to the scale or scales fixed by such order, and for the time being in force and not otherwise. Lord Lieutenant in Council to fix limits of expenses.

10. In all civil trials in the superior courts, each party shall be entitled to challenge without cause assigned six jurors, and in the inferior courts three jurors, and by leave of the court any greater number, and in all trials of indictments for misdemeanor and informations, the party on trial shall be entitled to challenge without cause assigned six jurors. Challenges in civil and criminal trials.

11. On the trial of any indictment or information the court or judge may at any time after the jurors have been sworn to try the case, and before they shall give their verdict, order that they shall have a view of any place named in such order, and may for that purpose adjourn the trial and may order the costs and expenses occasioned thereby to be paid as part of the costs of the prosecution when the Crown is the prosecutor, and in other cases in like manner as costs are ordered to be paid when the costs of prosecution or defence are allowed by the judge under the Acts in that behalf now in force. And the court or judge shall give such directions as shall seem requisite for the purpose of preventing undue communication with such jurors, provided that no breach of any such directions shall be deemed ground of mistrial or of error. Adjournment to enable jurors to view places.

12. In cases where a female upon a capital conviction alleges, or the court has otherwise reason to suppose that she is pregnant, no jury de ventre inspiciendo shall be empannelled or sworn, but the court shall direct that one or more medical men be sworn to inquire whether she be with child of a quick child, and if after due inquiry he or they shall report that she is with child of a quick child, the court shall stay execution of the sentence until Juries de v. in. abolished. Power for court to direct inquiry by medical men.

A.D. 1876.

such female be delivered of a child, or until it is no longer possible in the course of nature that she shall be so delivered, and in such case the court may order the expenses of such inquiry to be paid as part of the costs of the prosecution.

Power to
correct
jurors books
may be
exercised by
any judge,
&c.
36 Vict.
c. 27. s. 4.

13. All the powers under section fifteen of the Juries Act (Ireland), 1871, of ordering a general jurors book or special jurors book to be corrected or amended, may be exercised by any judge at any time during the sitting of his court, upon sworn testimony or any other evidence or information satisfactory to such judge, and shall extend to and include the expunging from any general jurors book or special jurors book, as the case may be, of the name of any person contained therein who may be exempted or disqualified from serving on juries under this Act, though not so exempted under the Juries Act (Ireland), 1871.

Power to
judge to
excuse
jurors from
serving.
36 Vict.
c. 27. s. 6.

14. Whereas doubts have been entertained as to the power of judges to excuse jurors from serving, and it is expedient to remove such doubts: It is hereby declared and enacted, that it shall be lawful for the judge, if he shall so think fit, of any court before which any person may be summoned as a juror, to discharge such person from further attendance on such court, or to excuse such person from attendance for any period during the sittings of such court.

Repeal of
section 24 of
34 & 35 Vict.
c. 65.

15. *From and after the passing of this Act*, section twenty-four of the Juries Act (Ireland), 1871, shall be and the same is hereby repealed.

Challenge
to the array.

16. *From and after the passing of this Act*, no challenge to the array shall be allowed for any cause except partiality of the sheriff or other officer returning the panel.

Names of
persons sum-
moned as
grand jurors
at Green
Street not
to be ini-
tiated or
omitted in
taking subse-
quent panel.
36 Vict.
c. 27. s. 7.

17. Whenever the sheriff or other officer shall select persons to be returned to serve as grand jurors at any general sessions of the peace or at the sittings of the court of oyer and terminer and general gaol delivery to be holden at Green Street, Dublin, he shall not initial in any jurors book the names of the persons so selected to serve as grand jurors as aforesaid, and in preparing any subsequent panel of jurors, such sheriff or officer shall not omit to take the name of any person whom he may have previously thereto selected and summoned to serve as such grand juror as aforesaid on account of his having already summoned such person to serve as such grand juror.

Names of
jurors in
criminal
cases to be
ballotted for.

18. The name of each man who shall be summoned and empannelled as a juror in any court for the trial of criminal issues, with the place of his abode and addition, and his number upon the

A.D. 1876.

panel, shall be written on a distinct piece of card, such cards being all as nearly may be of an equal size, which shall be delivered unto the proper officer by the sheriff or other officer returning the process, and the same shall, under the direction and care of such officer, be put together in a box to be provided for that purpose, and shall be shaken together; and when any criminal issue shall be brought on to be tried, such officer shall in open court draw out the said cards, one after another, and shall call out the name and number upon each such card as it is drawn, until such a number have answered to their names, as in the opinion of the court will probably be sufficient after allowing for challenges of jurors and directions to stand aside, to provide a full jury; and thereupon the officer shall proceed to swear the jury, each juror being called to swear in the order in which his name was so drawn, until after subtracting all just challenges allowed, and jurors directed to stand aside, twelve jurors shall be sworn; and if the number so answering shall prove insufficient to provide such full jury, the officer shall proceed to draw further names from the box, and call same in manner aforesaid, until after challenges allowed and jurors directed to stand aside, twelve jurors shall be sworn. Provided always, that nothing herein contained shall deprive the prisoner of his right to have the inquest taken, and for that purpose in case by challenges and directions to stand by the panel shall be exhausted without leaving a sufficient number to form a jury, those who have been directed to stand by shall be again called in the order in which they were drawn, until the jury shall be completed, but as regards such last-mentioned jurors subject only to such and no other right to challenge or direct to stand aside as would in like case have existed if this Act had not been passed; and the twelve men who in manner aforesaid shall be ultimately sworn shall be the jury to try such issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall be discharged; and then the same names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so toties quoties as long as any issue remains to be tried: Provided also, that when the prosecutor and prisoner in any criminal case shall not object thereto, the court may try any such issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn, or order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may justly be challenged or excused by the court, to be set aside, and another name

A.D. 1876. or other names to be drawn from the box, and try the issue with the residue of such original jury and with such man or men whose name or names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any issue remains to be tried : Provided also, that omission to follow the directions in this section shall not be deemed ground of mistrial or of error. 5

Amendment
of 13 & 14
Vict. c. 85.
as to county
of the town
of Drogheda.

19. The powers conferred upon the Lord Lieutenant and other chief governor or governors of Ireland and Privy Council of Ireland by the Act of the session of Parliament held in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act to provide for holding the assizes of certain counties of cities and towns in Ireland in the assize towns of the adjoining counties at large in certain cases; and to make provision as to gaols in case of the change of assize towns," may, with respect to the county of the town of Drogheda, be exercised as and when such Lord Lieutenant or chief governor or governors, by and with the advice of the Privy Council of Ireland, shall think fit, and without any application of or memorial from the grand jury at any assizes for the said county of the town of Drogheda, and without any resolution of the grand jury of the county at large; and all the provisions of the said Act which relate to the application by memorial or resolution of grand juries shall and are hereby declared not to be necessary in the case of any exercise of the powers aforesaid with respect to the said county of the town of Drogheda. 15 20 25

Amendment
of the Juries
(Ireland)
Acts as to
jurors books
in certain
counties,
counties of
cities, and
counties of
towns.

20. When under the provisions of the Juries (Ireland) Acts the clerk of the peace of any of the counties specified in the first and second columns of the first schedule to this Act annexed shall have made the general jurors book and special jurors book, the following provisions with respect to the same shall apply and have effect. 30

The clerk of the peace for each county specified in the first and second columns of the first schedule to this Act annexed shall, on or before *the tenth day of December*, deliver the general jurors book and special jurors book made out by him as aforesaid to the sheriff of the county for which he is clerk of the peace if such county is specified in the first column of the said schedule, and if such county is specified in the second column of the said schedule to the sheriff of the county the name of which appears in the first column of the said schedule opposite to the name of such county. 35 40

The sheriff of each county specified in the first column of the first schedule to this Act annexed shall, on or before the *thirty-first day*

of *December* next after the receipt of the general jurors books and special jurors books so delivered to him by the clerks of the peace in manner aforesaid, cause to be made out from the said general jurors books one true and complete list in the form (A.) set forth in

5 the second schedule to this Act annexed, containing the names, arranged in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surname in the alphabetical order of their Christian names, and consecutively numbered, of all the persons contained in such general jurors books,

10 with their Christian names and surnames written at full length, and with the true or last known place of abode, and the title, quality, calling, or business, the nature of the qualification, the amount or annual value and the place of the property of each such person as the same are stated in such general jurors books, and the said list

15 when so made out shall be called "the general jurors book for the counties of for the year " (inserting the county of which he is sheriff, and the county the name of which appears in the second column of the said first schedule opposite to the name of such first-mentioned county, and the year for which

20 such "general jurors book" is to be in use); and the said sheriff shall certify such book under his hand, signed at the foot of the last page thereof, to be the general jurors book for such counties for such year, and the said sheriff shall also cause to be made out from the said special jurors books so delivered to him one true and

25 complete list in the form (B.) set forth in the second schedule to this Act annexed, containing the names, arranged in alphabetical order as herein-before prescribed in the case of the "general jurors book," and consecutively numbered, of all the persons contained in such special jurors books, with their Christian names and surnames

30 written at full length, and with the true or last known place of abode, and the title, quality, calling, or business, the nature of the qualification, the annual value and place of the property of each such person, as the same are stated in such special jurors books, and the said list when so made out shall be called "the special

35 jurors book for the counties of for the year " (inserting the county of which he is sheriff, and the county the name of which appears in the second column of the said first schedule opposite to the name of such first-mentioned county, and the year for which such "special jurors book" is to

40 be in use); and the said sheriff shall certify such book under his hand, signed at the foot of the last page thereof, to be the special jurors book for such counties for such year, and shall insert in a column for that purpose in the general jurors book the word

A.D. 1876. special opposite the name of every person whose name shall appear in both books.

The general jurors book and special jurors book so made out and certified by the sheriff of each county, specified in the first column of the first schedule to this Act annexed, from the books delivered to him by the clerk of the peace of such county, and by the clerk of the peace of the county the name of which appears in the second column of the said schedule opposite to the name of the county for which he is sheriff, shall be brought into use in such two counties on the *eleventh day of January* next after they shall have been made out by the sheriff as aforesaid, and the same shall respectively be the jurors book and the special jurors book for each of the said counties in like manner in every respect as if each such book had been made out exclusively for each such county and such general jurors book and special jurors book shall be retained in the office of the sheriff who shall have so made out the same for a period of *three years*, and after the expiration of such period they shall be delivered by the sheriff to the clerk of the peace of such county, who shall place and preserve the same amongst the records in his office.

Bailiwick
sheriffs of
certain
counties to
include
certain
counties of
cities and
towns.

21. *From and after the eleventh day of January one thousand eight hundred and seventy-seven*, for the purposes of this Act and of the Juries (Ireland) Acts, the bailiwick of the sheriff of any county specified in the first column of the first schedule to this Act annexed shall be deemed to include and shall include the county the name of which appears in the second column of the said schedule opposite to such first-mentioned county, and all acts, matters, and things by this Act or the Juries (Ireland) Acts to be done or suffered by or with respect to the sheriff of any county, and all precepts to be issued and all writs of venire and distringas to be awarded to any such sheriff, shall with respect to any county specified in the second column of the said schedule be respectively done and suffered by and with respect to and the same shall be issued and awarded to the sheriff within whose bailiwick such last-mentioned county is by this Act declared to be included for the purposes aforesaid.

As to grand
juries at
Green Street.

22. *From and after the eleventh day of January one thousand eight hundred and seventy-seven* the sheriff of the county of Dublin shall, pursuant to the provisions of the Juries (Ireland) Acts and this Act, select for each sitting of the court of oyer and terminer and general gaol delivery to be holden in Green Street, in Dublin, a sufficient number of persons to serve as a grand jury at such sitting for the county of Dublin and the county of the city of

Dublin, and such grand jury shall possess all the powers and perform all the acts and duties which before the passing of this Act were possessed or performed by the separate grand juries acting for such county and county of the city of Dublin respectively at 5 and for the said court at Green Street. A.D. 1876.

23. *From and after the eleventh day of January one thousand eight hundred and seventy-seven* the provisions of the Juries (Ireland) Acts which relate to the exemption of persons from serving on juries, inquests, or inquiries shall be and the same are 10 hereby repealed; and thereupon the persons described in the third schedule to this Act annexed shall be absolutely freed and exempted from being returned, and from serving on any jury, inquest, or inquiry in any court or on any occasion whatsoever, and the names of such persons shall not be inserted in any jurors lists or jurors books 15 to be prepared after the passing of this Act by virtue of the Juries (Ireland) Acts; Provided that no verdict or trial shall be invalid or impeached on the ground that any person so exempted was sworn and served upon the jury which found such verdict at such trial.

Exemption
from serving
on juries.
34 & 35 Vict.
c. 65. s. 6.

24. In addition to the persons not qualified under the Juries (Ireland) Acts to serve on juries, inquests, and inquiries, no man 20 who has been or shall be convicted of perjury, unless he shall obtain a free pardon, is or shall be qualified to serve on juries, inquests, or inquiries in any court, or on any occasion whatsoever.

Disqualifica-
tions.

25. Whereas the enactments specified in the fourth schedule to this Act annexed were made for the establishment of market juries, and such juries are not any longer necessary: Be it therefore enacted that *from and after the passing of this Act* the said enactments specified in the said fourth schedule to this Act annexed shall be and the same are hereby repealed.

Abolition of
market
juries.

THIRD SCHEDULE.

EXEMPTION from serving on JURIES.

Peers.

Members of Parliament.

- 5 Clergymen in Holy Orders and other persons who shall teach or preach in any religious congregation, and who do not follow any secular occupation except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to any court of justice in Ireland.

- 10 Persons of the following professions actually practising :—

Barristers-at-law.

Attorneys and solicitors.

Licensed medical practitioners.

Apothecaries duly certified.

- 15 Civil engineers.

Public notaries and actuaries entitled to grant statutable certificates.

Professors, schoolmasters, or teachers, in any college, academy, or school.

- 20 Persons holding any public office under Her Majesty's Government, or any public department, or under any local authority, and paid from taxes, general or local.

Persons licensed to sell intoxicating liquors by retail to be consumed on the premises.

- 25 Masters of vessels and duly licensed pilots.

Persons who cannot read and write the English language, or who from lunacy, imbecility of mind, deafness, blindness, or other permanent infirmity are unfit to serve as jurors.

- 30 And persons heretofore exempted by virtue of any prescription, charter, grant, writ, or local Act of Parliament.
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FOURTH SCHEDULE.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.	
<i>Acts of the Parliament of Ireland.</i>			
13 & 14 Geo. III. c. 22.	An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned.	Section 73.	5 10
15 & 16 Geo. III. c. 20.	An Act to explain and amend an Act intituled An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned, and for extending the provisions of the said Act to the baronies of Saint Sepulchre's and Donore.	Section 43.	15 20
27 Geo. III. c. 46.	An Act for establishing Market Juries in Cities.	The whole Act.	25
28 Geo. III. c. 42.	An Act for continuing the Acts relative to Bankrupts, and for reviving, continuing, and amending certain temporary Statutes.	Section 9.	

Juries Procedure (Ireland).

A

BILL

To amend the Procedure connected with
Trial by Jury in Ireland.

(Prepared and brought in by
Sir Michael Hicks Beach and Mr. Solicitor-
General for Ireland.

*Ordered, by The House of Commons, to be Printed,
7 April 1876.*

[Bill 126.]

Under 3 oz.

Juries Procedure (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation.
3. Construction.
4. Summoning of jurors.
5. Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.
6. Summoning of jurors. Books of summonses to be kept.
7. Execution of Act by Royal Irish Constabulary.
8. Judges may order jury summons to be sent by post.
9. Lord Lieutenant in Council to fix limits of expenses.
10. Challenges in civil and criminal trials.
11. Adjournment to enable jurors to view places.
12. Jurors de v. in. abolished. Power for court to direct inquiry by medical men.
13. Power to correct jurors books may be exercised by any judge, &c.
14. Power to judge to excuse jurors from serving.
15. Repeal of section 24 of 34 & 35 Vict. c. 65.
16. Challenge to the array.
17. Names of persons summoned as grand jurors at Green Street not to be initialed or omitted in taking subsequent panel.
18. Names of jurors in criminal cases to be ballotted for.
19. Amendment of 13 & 14 Vict. c. 85. as to county of the town of Drogheda.
20. Exemption from serving on juries.
21. Disqualifications.
22. Abolition of market juries.

SCHEDULES.

A
B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Procedure connected with Trial by Jury in
Ireland.

A.D. 1876.

WHEREAS it is expedient to amend the procedure connected
with trial by jury in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Juries Proce- Short title.
dure (Ireland) Act, 1876."

2. The term "Juries (Ireland) Acts" in this Act shall mean Interpretation.
10 The Juries (Ireland) Acts, 1871 to 1872, and the Acts altering,
amending, or affecting the same for the time being in force.

3. The Juries (Ireland) Acts as amended by this Act and this Act Construction.
shall be construed together as one Act.

4. With respect to the summoning of jurors in rotation by the Summoning
15 sheriff or other officer under the Juries (Ireland) Acts, the following
provisions shall have effect :

1. The names of persons who when last summoned to attend as
jurors have not attended in obedience to such summons
20 shall be taken from the jurors books by the sheriff or other
officer in the same manner as the names of persons who
under the provisions of the said Acts are to be taken from
the jurors books in rotation as persons who have not been
summoned ; and for the purpose of aiding the sheriff in ascer-
25 taining the persons who when summoned to attend as jurors
have not so attended, it shall be the duty of the person acting
as clerk of the Crown, clerk of the peace, or registrar, as the
case may be, of any court to which persons shall have been
summoned at the commencement of the sittings of such

[Bill 176.]

A

A.D. 1876.

court, or as soon thereafter as conveniently may be, even though there be no business requiring the empannelling of a jury, to call over the panel returned by the sheriff, and to mark thereon the names of all jurors who shall have attended and answered when called, and immediately after the termination of the sittings of such court to return a copy of such panel so marked to the sheriff, who shall thereupon mark on the jurors book the names of the jurors who have attended in obedience to such summons :

2. The persons whose names shall be returned to serve as grand jurors or petit jurors at any general quarter sessions of the peace, or in any civil bill court, shall be resident within the division in and for which such sessions or civil bill court are or is held, and where such sessions or civil bill court are or is held at more than one place in such division, the jurors returned shall be resident within such petty sessions district or districts conveniently near to the place in which such sessions or court are or is held as may be prescribed by the chairman of such county in any order made under the authority of this Act, and for such purpose the sheriff or other officer in returning the said names according to the alphabetical order of selection shall when necessary for the purpose of complying with this enactment omit the name of any person not resident in such division, and may for such purpose omit the name of any person not resident in the petty sessions district or districts so prescribed as aforesaid :
3. Where a juror in attendance at any court shall have travelled a distance of not less than fifteen miles from his usual place of abode for the purpose of such attendance, it shall be lawful for the judge of such court in his discretion, upon the application of such juror, having regard to the time necessarily occupied and the expense necessarily incurred in such travelling, to grant to such juror a certificate of exemption for the next occasion or occasions when such juror would, in the ordinary course, be selected to be returned as a juror on any panel for any purpose whatsoever ; and if such certificate shall be forwarded to the office of the sheriff within whose bailiwick such court was held within ten days from the granting thereof, but not otherwise, an entry of the same shall be made opposite the name of such juror in the general jurors book or special jurors book ; and thereupon the sheriff or other officer shall omit to select such juror on the occasion or occasions specified in such certificate when such juror would

be selected in ordinary course; and after every such omission the sheriff or other officer shall, in making any subsequent selection and return, treat such juror as though he had on the occasion of each such omission been duly selected, returned, and summoned, and had attended in accordance with such summons. A.D. 1876.

5 5. Where any general quarter sessions of the peace or any civil bill court are or is held at more than one place in any division of a county, the chairman of such county shall within three months after the passing of this Act, by order under his hand and seal, direct that the jurors returned to serve as grand jurors or petit jurors at such general quarter sessions or civil bill court shall be resident within such petty sessions district or districts as may in his opinion be conveniently near to the place in which such sessions or court are or is held, and as are prescribed by such order, and he shall forthwith, after the making of such order, deliver the same to the clerk of the peace for such county, by whom it shall be duly filed in his office and preserved among the records of such county, and the clerk of the peace for such county shall forthwith transmit a copy of such order to the sheriff of such county for the time being, and to every succeeding sheriff of such county immediately after his appointment to his office of sheriff, and from and after the making and filing of such order in manner aforesaid, the jurors at such courts shall be summoned in accordance therewith.

25 6. Section twenty-one of the Juries (Ireland) Act, 1871, shall be and the same is hereby repealed, and in lieu thereof be it enacted that, save as by the Juries (Ireland) Acts, 1871 to 1872, and by this Act expressly provided, the summons of every person to serve on any jury in any court shall be made four days at least before the day on which the attendance of such person shall be required by a constable or sub-constable of the Royal Irish Constabulary acting in and for the county or borough in which such person shall reside by delivering a summons to the person to be summoned, or in case he shall be absent from his usual place of abode, by leaving such summons with some person therein inhabiting, and every summons requiring the attendance of any person as a juror shall be duly and properly filled with the name of the juror, and shall be signed by the sheriff or other officer, previous to such summons being delivered to such constable or sub-constable for service; and every constable or sub-constable summoning jurors under this Act shall keep a book or books in which he shall truly enter the name of every person so summoned

Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.

Summoning of jurors. 34 & 35 Vict. c. 65. s. 21.

Books of summonses to be kept.

A.D. 1876.

by him, with the day on which such summons shall be served, and the manner and particulars of the service thereof, and every such constable and sub-constable shall attend, and shall (if required) produce such book or books at the sitting of the court, and verify the same upon oath, or shall cause such book or books to be 5 produced to the court in case of his unavoidable absence, and in case of the death, illness, or unavoidable absence of such constable or sub-constable, the book kept by him as aforesaid, verified on oath as to his handwriting by some credible person, shall (if required) be produced to the court, and shall be *primâ facie* 10 evidence of the truth of the several matters entered therein as aforesaid, and if any such constable or sub-constable shall, without reasonable excuse, neglect to summon any juror as herein-before directed, or to keep such book or books, or to make such entries therein as aforesaid, or to attend the court, or produce or verify or 15 cause to be produced the said book or books as herein-before provided, every constable or sub-constable so offending may, for every such neglect, be fined by the court in a summary way in any amount not exceeding ten pounds for each such offence, with the alternative of imprisonment in default of payment of such fine for 20 any period not exceeding seven days.

Execution
of Act by
Royal Irish
Constabulary.

7. The officers and men of the Royal Irish Constabulary shall respectively afford assistance to sheriffs and other officers in the execution of this Act, and, subject to such regulations as may be made under this Act, do such acts as may respectively be required 25 of them and as they may be able to do without interfering with their permanent duty.

The Inspector General of the Royal Irish Constabulary shall make such orders with respect to the execution of this Act by the officers and men of the said constabulary as he may think proper and as the 30 Chief Secretary to the Lord Lieutenant of Ireland shall approve, and he may from time to time and with the like approval revoke, alter, or amend such orders, or may make new orders in lieu of the same.

Judges may
order jury
summons to
be sent by
post.

8. It shall be lawful for any judge of assize in any county 35 from time to time by order under his hand to direct that the summonses for the attendance of jurors in such county or any part of the same shall for such period as may be specified in such order be served by post, and every such order shall be entered in the Crown Book; and thereupon the provisions of the Juries Act 40 (Ireland), 1871, in reference to the transmission by post of jury summonses in the county of the city of Dublin shall during the

period specified in such order be and the same are hereby extended to the summoning of jurors and service of notices in such county, or such part of such county. A.D. 1876.

9. The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or scales according to which the expenses of printing and the remuneration of clerks of the peace, clerks of poor law unions, and the collector-general of rates in the city of Dublin, in carrying into execution the several purposes of the Juries (Ireland) Acts, and thereby made payable, shall be calculated, and thereupon such expenses and remuneration shall in each case be calculated according to the scale or scales fixed by such order, and for the time being in force and not otherwise.
- Lord Lieutenant in Council to fix limits of expenses.

10. In all civil trials in the superior courts, each party shall be entitled to challenge without cause assigned six jurors, and in the inferior courts three jurors, and by leave of the court any greater number, and in all trials of indictments for misdemeanor and informations, the party on trial shall be entitled to challenge without cause assigned six jurors.
- Challenges in civil and criminal trials.

11. On the trial of any indictment or information the court or judge may at any time after the jurors have been sworn to try the case, and before they shall give their verdict, order that they shall have a view of any place named in such order, and may for that purpose adjourn the trial and may order the costs and expenses occasioned thereby to be paid as part of the costs of the prosecution when the Crown is the prosecutor, and in other cases in like manner as costs are ordered to be paid when the costs of prosecution or defence are allowed by the judge under the Acts in that behalf now in force. And the court or judge shall give such directions as shall seem requisite for the purpose of preventing undue communication with such jurors, provided that no breach of any such directions shall be deemed ground of mistrial or of error.
- Adjournment to enable jurors to view places.

12. In cases where a female upon a capital conviction alleges, or the court has otherwise reason to suppose that she is pregnant, no jury de ventre inspiciendo shall be empannelled or sworn, but the court shall direct that one or more medical men be sworn to inquire whether she be with child of a quick child, and if after due inquiry he or they shall report that she is with child of a quick child, the court shall stay execution of the sentence until
- Juries de v. in. abolished. Power for court to direct inquiry by medical men.

A.D. 1876. such female be delivered of a child, or until it is no longer possible in the course of nature that she shall be so delivered, and in such case the court may order the expenses of such inquiry to be paid as part of the costs of the prosecution.

Power to
correct
jurors books
may be
exercised by
any judge,
&c.

36 Vict.
c. 27. s. 4.

13. All the powers under section fifteen of the Juries Act (Ireland), 1871, of ordering a general jurors book or special jurors book to be corrected or amended, may be exercised by any judge at any time during the sitting of his court, upon sworn testimony or any other evidence or information satisfactory to such judge, and shall extend to and include the expunging from any general jurors book or special jurors book, as the case may be, of the name of any person contained therein who may be exempted or disqualified from serving on juries under this Act, though not so exempted under the Juries Act (Ireland), 1871.

Power to
judge to
excuse
jurors from
serving.
36 Vict.
c. 27. s. 6.

14. Whereas doubts have been entertained as to the power of judges to excuse jurors from serving, and it is expedient to remove such doubts: It is hereby declared and enacted, that it shall be lawful for the judge, if he shall so think fit, of any court before which any person may be summoned as a juror, to discharge such person from further attendance on such court, or to excuse such person from attendance for any period during the sittings of such court.

Repeal of
section 24 of
34 & 35 Vict.
c. 65.

15. From and after the passing of this Act, section twenty-four of the Juries Act (Ireland), 1871, shall be and the same is hereby repealed.

Challenge
to the array.

16. From and after the passing of this Act, no challenge to the array shall be allowed for any cause except partiality of the sheriff or other officer returning the panel.

Names of
persons sum-
moned as
grand jurors
at Green
Street not
to be ini-
tialled or
omitted in
taking subse-
quent panel.
36 Vict.
c. 27. s. 7.

17. Whenever the sheriff or other officer shall select persons to be returned to serve as grand jurors at any general sessions of the peace or at the sittings of the court of oyer and terminer and general gaol delivery to be holden at Green Street, Dublin, he shall not initial in any jurors book the names of the persons so selected to serve as grand jurors as aforesaid, and in preparing any subsequent panel of jurors, such sheriff or officer shall not omit to take the name of any person whom he may have previously thereto selected and summoned to serve as such grand juror as aforesaid on account of his having already summoned such person to serve as such grand juror.

Names of
jurors in
criminal
cases to be
ballotted for.

18. The name of each man who shall be summoned and empannelled as a juror in any court for the trial of criminal issues, with the place of his abode and addition, and his number upon the

panel, shall be written on a distinct piece of card, such cards being all as nearly may be of an equal size, which shall be delivered unto the proper officer by the sheriff or other officer returning the process, and the same shall, under the direction and care of such officer, be put together in a box to be provided for that purpose, and shall be shaken together; and when any criminal issue shall be brought on to be tried, such officer shall in open court draw out the said cards, one after another, and shall call out the name and number upon each such card as it is drawn, until such a number have answered to their names, as in the opinion of the court will probably be sufficient after allowing for challenges of jurors and directions to stand aside, to provide a full jury; and thereupon the officer shall proceed to swear the jury, each juror being called to swear in the order in which his name was so drawn, until after subtracting all just challenges allowed, and jurors directed to stand aside, twelve jurors shall be sworn; and if the number so answering shall prove insufficient to provide such full jury, the officer shall proceed to draw further names from the box, and call same in manner aforesaid, until after challenges allowed and jurors directed to stand aside, twelve jurors shall be sworn. Provided always, that nothing herein contained shall deprive the prisoner of his right to have the inquest taken, and for that purpose in case by challenges and directions to stand by the panel shall be exhausted without leaving a sufficient number to form a jury, those who have been directed to stand by shall be again called in the order in which they were drawn, until the jury shall be completed, but as regards such last-mentioned jurors subject only to such and no other right to challenge or direct to stand aside as would in like case have existed if this Act had not been passed; and the twelve men who in manner aforesaid shall be ultimately sworn shall be the jury to try such issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall be discharged; and then the same names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so toties quoties as long as any issue remains to be tried: Provided also, that when the prosecutor and prisoner in any criminal case shall not object thereto, the court may try any such issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn, or order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may justly be challenged or excused by the court, to be set aside, and another name

A.D. 1876. or other names to be drawn from the box, and try the issue with the residue of such original jury and with such man or men whose name or names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any issue remains to be tried: Provided also, that omission to follow the directions in this section shall not be deemed ground of mistrial or of error. 5

Amendment
of 13 & 14
Vict. c. 85.
as to county
of Drogheda.

19. The powers conferred upon the Lord Lieutenant and other chief governor or governors of Ireland and Privy Council of Ireland by the Act of the session of Parliament held in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An 10
" Act to provide for holding the assizes of certain counties of cities
" and towns in Ireland in the assize towns of the adjoining counties
" at large in certain cases; and to make provision as to gaols in
" case of the change of assize towns," may, with respect to the
county of the town of Drogheda, be exercised as and when such 15
Lord Lieutenant or chief governor or governors, by and with the
advice of the Privy Council of Ireland, shall think fit, and without
any application of or memorial from the grand jury at any assizes
for the said county of the town of Drogheda, and without any
resolution of the grand jury of the county at large; and all the 20
provisions of the said Act which relate to the application by
memorial or resolution of grand juries shall and are hereby
declared not to be necessary in the case of any exercise of the
powers aforesaid with respect to the said county of the town of
Drogheda. 25

Exemption
from serving
on juries.
34 & 35 Vict.
c. 65. s. 6.

20. From and after the eleventh day of January one thousand eight hundred and seventy-seven the provisions of the Juries (Ireland) Acts which relate to the exemption of persons from serving on juries, inquests, or inquiries shall be and the same are hereby repealed; and thereupon the persons described in the first 30
schedule to this Act annexed shall be absolutely freed and exempted
from being returned, and from serving on any jury, inquest, or
inquiry in any court or on any occasion whatsoever, and the names
of such persons shall not be inserted in any jurors lists or jurors books
to be prepared after the passing of this Act by virtue of the Juries 35
(Ireland) Acts: Provided that no verdict or trial shall be invalid or
impeached on the ground that any person so exempted was sworn
and served upon the jury which found such verdict at such trial.

Disqualifica-
tions.

21. In addition to the persons not qualified under the Juries (Ireland) Acts to serve on juries, inquests, and inquiries, no man 40
who has been or shall be convicted of perjury, unless he shall obtain

a free pardon, is or shall be qualified to serve on juries, inquests, A.D. 1876.
or inquiries in any court, or on any occasion whatsoever.

22. Whereas the enactments specified in the second schedule to this Act annexed were made for the establishment of market Abolition of
market
juries.
5 juries, and such juries are not any longer necessary : Be it therefore enacted that from and after the passing of this Act the said enactments specified in the said second schedule to this Act annexed shall be and the same are hereby repealed.

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FIRST SCHEDULE.

EXEMPTION from serving on JURIES.

Peers.

Members of Parliament.

Clergymen in Holy Orders and other persons who shall teach or 5
preach in any religious congregation, and who do not follow any
secular occupation except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to
any court of justice in Ireland.

Persons of the following professions actually practising :— 10

Barristers-at-law.

Attorneys and solicitors.

Licensed medical practitioners.

Apothecaries duly certified.

Civil engineers. 15

Public notaries and actuaries entitled to grant statutable
certificates.

Professors, schoolmasters, or teachers, in any college, academy,
or school.

Persons holding any public office under Her Majesty's Govern- 20
ment, or any public department, or under any local authority, and
paid from taxes, general or local.

Persons licensed to sell intoxicating liquors by retail to be con-
sumed on the premises.

Masters of vessels and duly licensed pilots. 25

Persons who cannot read and write the English language, or who
from lunacy, imbecility of mind, deafness, blindness, or other per-
manent infirmity are unfit to serve as jurors.

And persons heretofore exempted by virtue of any prescription,
charter, grant, writ, or local Act of Parliament. 30

A.D. 1876.

SECOND SCHEDULE.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
<i>Acts of the Parliament of Ireland.</i>		
5	13 & 14 Geo. III. c. 22.	An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned.
10		
15	15 & 16 Geo. III. c. 20.	Section 43.
20		
25	27 Geo. III. c. 46. -	An Act for establishing Market Juries in Cities.
	28 Geo. III. c. 42. -	
		The whole Act.
		Section 9.

Juries Procedure (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Procedure connected with
Trial by Jury in Ireland.

(Prepared and brought in by
Sir Michael Hicks Beach and Mr. Solicitor-
General for Ireland.)

*Ordered, by The House of Commons, to be Printed,
30 May 1876.*

[Bill 176.]

Under 2 oz.

Juries Procedure (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation.
3. Construction.
4. Summoning of jurors.
5. Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.
6. Summoning of jurors. Books of summonses to be kept.
7. Execution of Act by Royal Irish Constabulary.
8. Judges may order jury summons to be sent by post.
9. Lord Lieutenant in Council to fix limits of expenses.
10. Challenges in civil and criminal trials.
11. Adjournment to enable jurors to view places.
12. Jurors to be allowed fire and refreshment.
13. Jurors de v. in. abolished. Power for court to direct inquiry by medical men.
14. Power to correct jurors books may be exercised by any judge, &c.
15. Power to judge to excuse jurors from serving.
16. Private prosecutors to have no right to have jurors ordered to stand by 34 & 35 Vict. c. 65. s. 24., but may challenge six jurors peremptorily.
17. Challenge to the array.
18. Names of persons summoned as grand jurors at Green Street not to be initialed or omitted in taking subsequent panel.
19. Names of jurors in criminal cases to be ballotted for.
20. Exemption from serving on juries.
21. Disqualifications.
22. Abolition of market juries.

SCHEDULES.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Procedure connected with Trial by Jury in
Ireland.

A.D. 1876.

WHEREAS it is expedient to amend the procedure connected
with trial by jury in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
5 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Juries Proce- Short title.
dure (Ireland) Act, 1876."

2. The term "Juries (Ireland) Acts" in this Act shall mean Interpretation.
10 The Juries (Ireland) Acts, 1871 to 1872, and the Acts altering,
amending, or affecting the same for the time being in force.

3. The Juries (Ireland) Acts as amended by this Act and this Act Construction.
shall be construed together as one Act.

4. With respect to the summoning of jurors in rotation by the Summoning
15 sheriff or other officer under the Juries (Ireland) Acts, the following
provisions shall have effect :

1. The names of persons who when last summoned to attend as
jurors have not attended in obedience to such summons
shall be taken from the jurors books by the sheriff or other
20 officer in the same manner as the names of persons who
under the provisions of the said Acts are to be taken from
the jurors books in rotation as persons who have not been
summoned ; and for the purpose of aiding the sheriff in ascer-
taining the persons who when summoned to attend as jurors
25 have not so attended, it shall be the duty of the person acting
as clerk of the Crown, clerk of the peace, or registrar, as the
case may be, of any court to which persons shall have been
summoned as jurors at the commencement of the sittings of

[Bill 261.]

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A.D. 1876.
—

such court, or as soon thereafter as conveniently may be, even though there be no business requiring the empannelling of a jury, to call over the panel returned by the sheriff, and to mark thereon the names of all jurors who shall have attended and answered when called, and immediately after the termination of the sittings of such court to return a copy of such panel so marked to the sheriff, who shall thereupon mark on the jurors book the names of the jurors who have attended in obedience to such summons :

Every person named as a juror in the panel returned by the sheriff, and who shall not attend and answer when so called as aforesaid, or be proved to the satisfaction of the court to have been prevented by illness or other inevitable accident from so attending or answering, shall be ordered by the court to forfeit and pay a fine or penalty of forty shillings at the least, or such larger sum as the court shall under the circumstances think fit ; and every order so made for the imposition of such fine or penalty shall be and be deemed to be within the several provisions of the Fines Act, Ireland, 1851, and any Act amending the same :

2. The persons whose names shall be returned to serve as grand jurors or petit jurors at any general quarter sessions of the peace, or in any civil bill court, shall be resident within the division in and for which such sessions or civil bill court are or is held, and where such sessions or civil bill court are or is held at more than one place in such division, the jurors returned shall be resident within such petty sessions district or districts conveniently near to the place in which such sessions or court are or is held as may be prescribed by the chairman of such county in any order made under the authority of this Act, and for such purpose the sheriff or other officer in returning the said names according to the alphabetical order of selection shall when necessary for the purpose of complying with this enactment omit the name of any person not resident in such division, and may for such purpose omit the name of any person not resident in the petty sessions district or districts so prescribed as aforesaid :
3. Where a juror in attendance at any court shall have travelled a distance of not less than fifteen miles from his usual place of abode for the purpose of such attendance, it shall be lawful for the judge of such court in his discretion, upon the application of such juror, having regard to the time necessarily occupied and the expense necessarily incurred in

such travelling, to grant to such juror a certificate of exemption for the next occasion or occasions when such juror would, in the ordinary course, be selected to be returned as a juror on any panel for any purpose whatsoever; and if such certificate shall be forwarded to the office of the sheriff within whose bailiwick such court was held within ten days from the granting thereof, but not otherwise, an entry of the same shall be made opposite the name of such juror in the general jurors book or special jurors book; and thereupon the sheriff or other officer shall omit to select such juror on the occasion or occasions specified in such certificate when such juror would be selected in ordinary course; and after every such omission the sheriff or other officer shall, in making any subsequent selection and return, treat such juror as though he had on the occasion of each such omission been duly selected, returned, and summoned, and had attended in accordance with such summons.

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5. Where any general quarter sessions of the peace or any civil bill court are or is held at more than one place in any division of a county, the chairman of such county shall within three months after the passing of this Act, by order under his hand and seal, direct that the jurors returned to serve as grand jurors or petit jurors at such general quarter sessions or civil bill court shall be resident within such petty sessions district or districts as may in his opinion be conveniently near to the place in which such sessions or court are or is held, and as are prescribed by such order, and he shall forthwith, after the making of such order, deliver the same to the clerk of the peace for such county, by whom it shall be duly filed in his office and preserved among the records of such county, and the clerk of the peace for such county shall forthwith transmit a copy of such order to the sheriff of such county for the time being, and to every succeeding sheriff of such county immediately after his appointment to his office of sheriff, and from and after the making and filing of such order in manner aforesaid, the jurors at such courts shall be summoned in accordance therewith: Provided, however, that the chairman may from time to time vary such order.

Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.

6. Section twenty-one of the Juries (Ireland) Act, 1871, shall be and the same is hereby repealed, and in lieu thereof be it enacted that, save as by the Juries (Ireland) Acts, 1871 to 1872, and by this Act expressly provided, the summons of every person to serve on any jury in any court shall be made four clear days at least

Summoning of jurors.
34 & 35 Vict.
c. 65. s. 21.

A.D. 1876. before the day on which the attendance of such person shall be required by a constable or sub-constable of the Royal Irish Constabulary acting in and for the county or borough in which such person shall reside by delivering a summons to the person to be summoned, or in case he shall be absent from his usual place 5 of abode, by leaving such summons with some person therein inhabiting, and every summons requiring the attendance of any person as a juror shall be duly and properly filled with the name of the juror, and shall be signed by the sheriff or other officer, previous to such summons being delivered to such constable or 10 sub-constable for service; and every constable or sub-constable summoning jurors under this Act shall keep a book or books in which he shall truly enter the name of every person so summoned by him, with the day on which such summons shall be served, and the manner and particulars of the service thereof, and every such 15 constable and sub-constable shall attend, and shall (if required) produce such book or books at the sitting of the court, and verify the same upon oath, or shall cause such book or books to be produced to the court in case of his unavoidable absence, and in case of the death, illness, or unavoidable absence of such constable 20 or sub-constable, the book kept by him as aforesaid, verified on oath as to his handwriting by some credible person, shall (if required) be produced to the court, and shall be *primâ facie* evidence of the truth of the several matters entered therein as aforesaid, and if any such constable or sub-constable shall, without 25 reasonable excuse, neglect to summon any juror as herein-before directed, or to keep such book or books, or to make such entries therein as aforesaid, or to attend the court, or produce or verify or cause to be produced the said book or books as herein-before provided, every constable or sub-constable so offending may, for 30 every such neglect, be fined by the court in a summary way in any amount not exceeding ten pounds for each such offence, with the alternative of imprisonment in default of payment of such fine for any period not exceeding seven days.

Books of
summonses
to be kept.

Execution
of Act by
Royal Irish
Constabu-
lary.

7. The officers and men of the Royal Irish Constabulary shall 35 respectively afford assistance to sheriffs and other officers in the execution of this Act, and, subject to such regulations as may be made under this Act, do such acts as may respectively be required of them and as they may be able to do without interfering with their permanent duty.

The Inspector General of the Royal Irish Constabulary shall make such orders with respect to the execution of this Act by the officers and men of the said constabulary as he may think proper and as the

Chief Secretary to the Lord Lieutenant of Ireland shall approve, and he may from time to time and with the like approval revoke, alter, or amend such orders, or may make new orders in lieu of the same.

A.D. 1876.

- 5 8. It shall be lawful for any judge of assize in any county from time to time by order under his hand to direct that the summonses for the attendance of jurors in such county or any part of the same shall for such period as may be specified in such order be served by post, and every such order shall be entered in the
 10 Crown Book; and thereupon the provisions of the Juries Act (Ireland), 1871, in reference to the transmission by post of jury summonses in the county of the city of Dublin shall during the period specified in such order be and the same are hereby extended to the summoning of jurors and service of notices in such county, or
 15 such part of such county.

Judges may order jury summons to be sent by post.

9. The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or
 20 scales according to which the expenses of printing and the remuneration of clerks of the peace, clerks and rate collectors of poor law unions, and the collector-general of rates in the city of Dublin, in carrying into execution the several purposes of the Juries (Ireland) Acts, and thereby made payable, shall be calcu-
 25 lated, and thereupon such expenses and remuneration shall in each case be calculated according to the scale or scales fixed by such order, and for the time being in force and not otherwise.

Lord Lieutenant in Council to fix limits of expenses.

10. In all civil trials in the superior courts, the plaintiff or plaintiffs on the one hand, and the defendant or defendants on the
 30 other respectively, shall be entitled to challenge without cause assigned in all six jurors, and in the inferior courts in all three jurors, and in all trials of indictments for misdemeanor and informations, the person or persons on trial shall be entitled to challenge without cause assigned in all six jurors.

Challenges in civil and criminal trials.

- 35 11. On the trial of any indictment or information the court or judge may at any time after the jurors have been sworn to try the case, and before they shall give their verdict, order that they shall have a view of any place named in such order, and may for that purpose adjourn the trial and may order the costs and expenses
 40 occasioned thereby to be paid as part of the costs of the prosecution when the Crown is the prosecutor, and in other cases in like manner as costs are ordered to be paid when the costs of prosecution or defence

Adjournment to enable jurors to view places.

A.D. 1876. are allowed by the judge under the Acts in that behalf now in force. And the court or judge shall give such directions as shall seem requisite for the purpose of preventing undue communication with such jurors, provided that no breach of any such directions shall be deemed ground of mistrial or of error. 5

Jurors to be allowed fire and refreshment.

12. Jurors, after having been sworn, may, in the discretion of the judge, be allowed, at any time before giving their verdict, the use of a fire when out of court, and be allowed also reasonable refreshment, such refreshment to be procured at their own expense.

Juries de v. in. abolished.

Power for court to direct inquiry by medical men.

13. In cases where a female upon a capital conviction alleges, 10 or the court has otherwise reason to suppose that she is pregnant, no jury de ventre inspiciendo shall be empannelled or sworn, but the court shall direct that one or more medical men be sworn to inquire whether she be with child of a quick child, and if after due inquiry he or they shall report that she is with child 15 of a quick child, the court shall stay execution of the sentence until such female be delivered of a child, or until it is no longer possible in the course of nature that she shall be so delivered, and in such case the court may order the expenses of such inquiry to be paid as part of the costs of the prosecution. 20

Power to correct jurors books may be exercised by any judge, &c. 36 Vict. c. 27. s. 4.

14. All the powers under section fifteen of the Juries Act (Ireland), 1871, of ordering a general jurors book or special jurors book to be corrected or amended, may be exercised by any judge at any time during the sitting of his court, upon sworn testimony or any other evidence or information satisfactory to such judge, and shall 25 extend to and include the expunging from any general jurors book or special jurors book, as the case may be, of the name of any person contained therein who may be exempted or disqualified from serving on juries under this Act, though not so exempted under the Juries Act (Ireland), 1871. 30

Power to judge to excuse jurors from serving. 36 Vict. c. 27. s. 6.

15. Whereas doubts have been entertained as to the power of judges to excuse jurors from serving, and it is expedient to remove such doubts: It is hereby declared and enacted, that it shall be lawful for the judge, if he shall so think fit, of any court before which any person may be summoned as a juror, to discharge in open 35 court such person from further attendance on such court, or to excuse such person from attendance for any period during the sittings of such court.

Private prosecutors to have no right to have jurors ordered to stand by

16. From and after the passing of this Act, section twenty-four of the Juries Act (Ireland), 1871, shall be and the same is hereby 40 repealed, and in lieu thereof, be it enacted that where any bill of indictment is preferred before any court in Ireland by or on behalf

of any private prosecutor, he shall not upon the trial of any such indictment have the right of requiring the court to order any juror to stand by until the panel shall have been gone through; but such private prosecutor shall be entitled to challenge without cause
5 assigned six jurors.

34 & 35 Vict.
c. 65. s. 24.,
but may
challenge six
jurors pe-
remptorily.

17. From and after the passing of this Act, no challenge to the array shall be allowed for any cause except partiality, fraud, or wilful misconduct of the sheriff or other officer returning the panel.

Challenge
to the array.

18. Whenever the sheriff or other officer shall select persons to
10 be returned to serve as grand jurors at any general sessions of the peace or at the sittings of the court of oyer and terminer and general gaol delivery to be holden at Green Street, Dublin, he shall not initial in any jurors book the names of the persons so selected to serve as grand jurors as aforesaid, and in preparing any subsequent
15 panel of jurors, such sheriff or officer shall not omit to take the name of any person whom he may have previously thereto selected and summoned to serve as such grand juror as aforesaid on account of his having already summoned such person to serve as such grand juror.

Names of
persons sum-
moned as
grand jurors
at Green
Street not
to be ini-
tiated or
omitted in
taking subse-
quent panel.
36 Vict.
c. 27. s. 7.

19. The name of each man who shall be summoned and em-pannelled as a juror in any court for the trial of criminal issues, with the place of his abode and addition, and his number upon the panel, shall be written on a distinct piece of card, such cards being all as nearly may be of an equal size, which shall be delivered unto
25 the proper officer by the sheriff or other officer returning the process, and the same shall, under the direction and care of such officer, be put together in a box to be provided for that purpose, and shall be shaken together; and when any criminal issue shall be brought on to be tried, such officer shall in open court draw out the
30 said cards, one after another, and shall call out the name and number upon each such card as it is drawn, until such a number have answered to their names, as in the opinion of the court will probably be sufficient after allowing for challenges of jurors and directions to stand aside, to provide a full jury; and thereupon the officer shall
35 proceed to swear the jury, each juror being called to swear in the order in which his name was so drawn, until after subtracting all just challenges allowed, and jurors directed to stand aside, twelve jurors shall be sworn; and if the number so answering shall prove insufficient to provide such full jury, the officer shall proceed to
40 draw further names from the box, and call same in manner aforesaid, until after challenges allowed and jurors directed to stand aside, twelve jurors shall be sworn. Provided always, that nothing herein

Names of
jurors in
criminal
cases to be
ballotted for.

A.D. 1876. contained shall deprive the prisoner of his right to have the inquest taken, and for that purpose in case by challenges and directions to stand by the panel shall be exhausted without leaving a sufficient number to form a jury, those who have been directed to stand by shall be again called in the order in which they were drawn, until 5 the jury shall be completed, but as regards such last-mentioned jurors subject only to such and no other right to challenge or direct to stand aside as would in like case have existed if this Act had not been passed ; and the twelve men who in manner aforesaid shall be ultimately sworn shall be the jury to try such issue, and the names 10 of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall be discharged ; and then the same names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so toties quoties 15 as long as any issue remains to be tried : Provided also, that when the prosecutor or prisoner in any criminal case shall not object thereto, the court may try any such issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn, or 20 order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may justly be challenged or excused by the court, to be set aside, and another name or other names to be drawn from the box, and try the issue with the residue of such original jury and with such man or men whose name 25 or names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any issue remains to be tried : Provided also, that omission to follow the directions in this section shall not be deemed ground of mistrial or of error.

Exemption
from serving
on juries.
34 & 35 Vict.
c. 65. s. 6.

20. From and after the eleventh day of January one thousand 30 eight hundred and seventy-seven the provisions of the Juries (Ireland) Acts which relate to the exemption of persons from serving on juries, inquests, or inquiries shall be and the same are hereby repealed ; and thereupon the persons described in the first schedule to this Act annexed shall be absolutely freed and exempted 35 from being returned, and from serving on any jury, inquest, or inquiry in any court or on any occasion whatsoever ; and the names of such persons shall not be inserted in any jurors lists or jurors books to be prepared after the first day of July one thousand eight hundred and seventy-six by virtue of the Juries (Ireland) Acts : 40 Provided that no verdict or trial shall be invalid or impeached on the ground that any person so exempted was sworn and served upon the jury which found such verdict at such trial.

21. In addition to the persons not qualified under the Juries (Ireland) Acts to serve on juries, inquests, and inquiries, no man who has been or shall be convicted of perjury, unless he shall obtain a free pardon, is or shall be qualified to serve on juries, inquests, 5 or inquiries in any court, or on any occasion whatsoever.

A.D. 1876.
Disqualifica-
tions.

22. Whereas the enactments specified in the second schedule to this Act annexed were made for the establishment of market juries, and such juries are not any longer necessary : Be it therefore enacted that from and after the passing of this Act the said enact- 10 ments specified in the said second schedule to this Act annexed shall be and the same are hereby repealed.

Abolition of
market
juries.

A.D. 1876.

FIRST SCHEDULE.

EXEMPTION from serving on JURIES.

Peers.

Members of Parliament.

Clergymen in Holy Orders and other persons who shall teach or 5
 preach in any religious congregation, and who do not follow any
 secular occupation except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to
 any court of justice in Ireland.

Persons of the following professions actually practising :— 10

Barristers-at-law.

Attorneys and solicitors.

Licensed medical practitioners.

Apothecaries duly certified.

Pharmaceutical chymists duly registered. 15

Civil engineers.

Public notaries and actuaries entitled to grant statutable
 certificates.

Professors, schoolmasters, or teachers, in any college, academy,
 or school. 20

Persons holding any public office under Her Majesty's Govern-
 ment, or any public department, or under any local authority, and
 paid from taxes, general or local.

Persons licensed to sell intoxicating liquors by retail to be con-
 sumed on the premises whose premises shall be rated a net annual 25
 value under fifteen pounds a year.

Masters of vessels and duly licensed pilots.

Persons who cannot read and write the English language, or who
 from lunacy, imbecility of mind, deafness, blindness, or other per-
 manent infirmity are unfit to serve as jurors. 30

And persons heretofore exempted by virtue of any prescription;
 charter, grant, writ, or local Act of Parliament.

SECOND SCHEDULE.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
<i>Acts of the Parliament of Ireland.</i>		
5 10 13 & 14 Geo. III. c. 22.	An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned.	Section 73.
15 20 15 & 16 Geo. III. c. 20.	An Act to explain and amend an Act intituled An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned, and for extending the provisions of the said Act to the baronies of Saint Sepulchre's and Donore.	Section 43.
25 27 Geo. III. c. 46. -	An Act for establishing Market Juries in Cities.	The whole Act.
28 Geo. III. c. 42. -	An Act for continuing the Acts relative to Bankrupts, and for reviving, continuing, and amending certain temporary Statutes.	Section 9.

Juries Procedure (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Procedure connected with
Trial by Jury in Ireland.

(Prepared and brought in by
Sir Michael Hicks Beach and Mr. Solicitor-
General for Ireland.)

*Ordered, by The House of Commons, to be Printed,
20 July 1876.*

[Bill 261.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

JURIES PROCEDURE (IRELAND) ACT.

Note.—The page and line refer to the Bill (196.) as first printed by the Lords.

Page 3.

Line 2, leave out (“or occasions”)

Lines 10 and 11, leave out (“or occasions”)

Line 12, leave out (“every”)

Line 15, leave out (“each”)

Page 5.

Line 27, at end of clause 9 add—

Except as specially provided with respect to collectors of poor rates in the county of the city of Dublin, all the provisions of the Juries (Ireland) Acts with respect to the payment of remuneration to the clerks of poor law unions as compensation for the duty by the said Acts imposed upon them are hereby amended, **so as to extend to and include rate collectors of poor law unions, and such rate collectors shall be paid accordingly.**

Page 6.

Line 8, after (“also”) insert (“to obtain”)

Leave out line 9.

Page 10.

Line 25, leave out (“whose”) and insert (“where such”), and after (“rated”) insert (“at”)

Line 26, leave out (“under”) and insert (“of less than”)

LORDS AMENDMENTS

TO THE

JURIES PROCEDURE (IRELAND)
ACT.

*Ordered, by The House of Commons, to be Printed,
9 August 1876.*

[Bill 293.]

Under 1 oz.

Jurors Qualification (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Qualification of jurors.
3. As to jurors property qualification.
4. Clerk of the peace to prepare "lists of special jurors."
5. Form of precept.
6. Duration of Act.

SCHEDULES.

A
B I L L

TO

Amend the Laws relating to the Qualification of Jurors in Ireland. A.D. 1876.

WHEREAS by the Juries (Ireland) Acts, 1871 to 1872, the laws relating to juries in Ireland were amended and consolidated :

And whereas by the Juries (Ireland) Act, 1873, temporary provisions were made altering and raising the qualification of jurors, and the said provisions have by divers Acts from time to time been continued for limited periods :

And whereas it is expedient that other and further provisions should be made to alter and raise the qualification of jurors, and that such provisions should continue in force during the limited period by this Act prescribed :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Jurors Qualification (Ireland) Act, 1876," and the Juries (Ireland) Acts, 1871 to 1872, as amended by this Act, and this Act may be cited together as "the Juries (Ireland) Acts." Short title.

2. The provisions in this section contained shall be in force and have effect with respect to the qualification of jurors from and after *the eleventh day of January one thousand eight hundred and seventy-seven*, and the said provisions shall be in lieu of and in substitution for the provisions of section five of the Juries Act, Ireland, 1871, and the said Act shall be read and construed as if they were therein substituted for the said section five. Qualification of jurors.

Every man being a subject of the Queen, between the ages of *twenty-one* and *sixty-five* years, residing in any county or in any borough having a separate court of sessions of the peace, or a court of record for the trial of civil actions,

[Bill 127.]

A

A.D. 1876.

- (1.) Who shall have in his own name or in trust for him a clear income of *ten pounds by the year* in lands and tenements of freehold tenure situate in such county or borough, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple, or fee tail, or for any life or lives whatsoever; or
- (2.) Who shall have a clear income of *twenty pounds by the year* in lands or tenements situate in such county or borough, held by lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or
- (3.) Who shall be, either in his own name or as a member of a firm or copartnership, rated for the relief of the poor in respect of lands, tenements, or hereditaments within such county or borough, of the net annual value fixed for such county or borough in the first schedule to this Act; or
- (4.) Who shall be the son of a peer or of a baronet, or of a justice of the peace, or an officer in the army or navy and not on actual service;

shall if residing in any such county as aforesaid be qualified and liable (save as exempted or disqualified) to serve on all juries for the trial of all issues, civil and criminal, joined in any of the Queen's courts of law and equity and triable in such county, and shall also be qualified and liable (save as exempted or disqualified) to serve on grand juries at the general sessions of the peace within such county, and on every inquest or inquiry to be taken or made in such county by or before any sheriff or coroner, or by or before any master or commissioner appointed by any of the superior courts of common law or equity, or by or before any commissioner appointed under the great seal or the seal of the Court of Exchequer, and shall if residing in any such borough as aforesaid be qualified and liable (save as exempted or disqualified) to serve on grand juries at sessions of the peace in such borough, and also upon juries for the trial of all issues, civil and criminal, joined in any court of sessions of the peace, and in any court of record for the trial of civil actions, triable in such borough: Provided always, that for the purposes of this Act, as regards any county of a city, county of a town, or borough, having a separate court of sessions of the peace or a court of record for the trial of civil actions, any such person as aforesaid shall be deemed to be resident therein who shall have or occupy a counting-house, office, shop, or place of business in such county of a city, county of a town, or borough as aforesaid, although such person

may not actually reside therein, provided that he resides within *twelve statute miles* of the court house of such county of a city, county of a town, or borough as aforesaid, and in the county of the

- city of Dublin within a like distance of the General Post Office in
 5 Dublin, to be computed by the nearest public road or way. And such counting-house, office, shop, or place of business shall in the proper column of "The General List of Jurors," and "List of Special Jurors," containing such person's name be stated as the place of abode of such person, and a summons for the attendance
 10 of a juror left at the place stated in the general jurors' book or special jurors' book as the place of abode of such juror, with any person inhabiting therein, shall be deemed to have been duly served upon such juror.

3. In ascertaining the net annual value of the property quali-
 15 cation of a juror in the city of Dublin, mentioned in the first and second schedules to this Act, the annual value of any house or tenement, the owner whereof is under the sixty-third section of the Act 12 and 13 Victoria, chapter 91, rated instead of the occupier thereof, shall not be reckoned or taken into account.

As to jurors' property qualification. 35 & 36 Vict. c. 25. s. 6.

- 20 4. The provisions in this section contained shall *from and after the first day of August one thousand eight hundred and seventy-six*, be in substitution for the provisions of section eleven of the Juries Act, Ireland, 1871, and the said Act shall be read and construed as if they were therein substituted for the said section eleven.
 25 The clerk of the peace of every county in Ireland, on or before the *fifteenth day of August* in every year, shall, from each of the general lists of jurors furnished to him under the Juries (Ireland) Acts and the Juries Procedure (Ireland) Act, 1876, cause to be made out for each barony of such county a true and complete list,
 30 in the Form O. set forth in the third schedule to this Act annexed, containing the names of every person contained in the list furnished to him as aforesaid for such barony.

Clerk of the peace to prepare "lists of special jurors."

- Who shall be, either in his own name or as a member of a firm or copartnership, rated for the relief of the poor in respect of lands,
 35 tenements, or hereditaments within such county or borough, of the net annual value fixed for such county or borough in the second schedule to this Act; or

- Who shall be the son of a peer or of a baronet, or of a justice of the peace, or an officer in the army or navy and not on actual
 40 service.

And the names contained in each of the said lists to be made out by such clerk of the peace shall be arranged in alphabetical order

A.D. 1876. of surnames and consecutively numbered, and each such list shall contain the like particulars in every respect as the lists furnished to him as aforesaid, and when so made out shall be called the “list of special jurors” for the barony of the county for which the same shall have been made out, and such clerk of the peace shall, 5
at the foot or end of every such “list of special jurors” made out by him, sign a declaration that such “list of special jurors” has been fully and correctly prepared by him from the “general list of jurors” from which such “list of special jurors” shall have been made out by him. 10

Form of
precept.

5. The precepts of the several clerks of the peace for the return of lists of jurors to be issued under the *Juries (Ireland) Acts* and the *Juries Procedure (Ireland) Act, 1876*, after the passing of this Act shall be according to the forms in the third schedule to this Act annexed, and any person to whom any such precept shall 15
be issued shall and is hereby directed to perform and comply with all the requisitions contained in such precept.

Duration of
Act.

6. This Act shall continue in operation until *the eleventh day of January one thousand eight hundred and eighty.*

A.D. 1876.

SCHEDULES.

FIRST SCHEDULE.

The net annual value of the rating qualification of jurors shall be as follows :

		CLASS I.
5	In the counties of—	A net annual value of 50 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 12 <i>l.</i> or upwards in respect of a dwelling-house, office, and curtilage appearing on the rate book of any union to be situate within any of the said counties.
	Antrim.	
	Carlow.	
	Cork.	
10	Down.	
	Dublin.	
	Galway.	
	Kildare.	
	Kilkenny.	
15	King's County.	
	Limerick.	
	Louth.	
	Meath.	
	Tipperary.	
20	Waterford.	
	Westmeath.	
	Wexford.	
	Wicklow.	
		CLASS II.
25	In the counties of—	A net annual value of 50 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 10 <i>l.</i> in respect of a dwelling-house, office, and curtilage, appearing on the rate book of any union to be situate within any of the said counties.
	Armagh.	
	Clare.	
	Donegal.	
	Fermanagh.	
30	Kerry.	
	Londonderry.	
	Longford.	
	Monaghan.	
	Queen's County.	
35	Roscommon.	
	Sligo.	
	Tyrone.	
		CLASS III.
40	In the counties of—	A net annual value of 50 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments within the said county, or a net annual value of 6 <i>l.</i> or upwards in respect of a dwelling-house, office, and curtilage appearing on the rate book of any union to be situate within any of the said counties.
	Cavan.	
	Leitrim.	
	Mayo.	
45		

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CLASS IV.

In the counties of the cities of—
Dublin,
Cork,
Limerick, and
Waterford.

A net annual value of 20*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

5

CLASS V.

In the county of—
The city of Kilkenny,
The town of Carrickfergus,
The town of Drogheda, and
The town of Galway.

A net annual value of 15*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

10

CLASS VI.

In any borough (other than those specified above) having a separate court of sessions of the peace or a court of record for the trial of civil actions.

A net annual value of 20*l.* or upwards in respect of lands, tenements, or hereditaments within any such borough.

15

SECOND SCHEDULE.

The net annual value of the rating qualification of special jurors shall be as follows:

20

CLASS I.

In the counties of—
Antrim.
Dublin.

A net annual value of 150*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 50*l.* or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

25

30

CLASS II.

In the counties of—
Cork.
Down.
Kildare.
Limerick.
Meath.
Tipperary.

A net annual value of 150*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 100*l.* or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

35

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CLASS III.

In the county of—
Westmeath.

A net annual value of 100*l.* or upwards in respect of lands, tenements, or hereditaments in the said county.

CLASS IV.

A D. 1876.

	In the counties of—	A net annual value of 100 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 50 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.
5	Armagh.	
	Carlow.	
	Clare.	
	Galway.	
	Kilkenny.	
	King's County.	
10	Londonderry.	
	Queen's County.	
	Roscommon.	
	Waterford.	
	Wexford.	
	Wicklow.	

CLASS V.

15	In the counties of—	A net annual value of 70 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 50 <i>l.</i> and upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.
	Cavan.	
	Donegal.	
	Fermanagh.	
20	Kerry.	
	Longford.	
	Louth.	
	Mayo.	
	Monaghan.	
25	Sligo.	
	Tyrone.	

CLASS VI.

30	In the county of— Leitrim.	A net annual value of 50 <i>l.</i> and upwards in respect of lands, tenements, or hereditaments within the said county, or a net annual value of 40 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within the said county.
35		

CLASS VII.

40	In the counties of— The City of Cork, The City of Dublin.	A net annual value of 50 <i>l.</i> and upwards in respect of lands, tenements, or hereditaments within any of the said counties.
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CLASS VIII.

45	In the county of the city of Limerick.	A net annual value of 40 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments within any of the said counties.
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CLASS IX.

50	In the counties of— The city of Waterford, The city of Kilkenny, The town of Carrickfergus, The town of Drogheda, and The town of Galway.	A net annual value of 30 <i>l.</i> or upwards in respect of lands, tenements, or hereditaments within any of the said counties.
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THIRD SCHEDULE.

FORM .

PRECEPT for the RETURN of LISTS of JURORS.

(¹) [County of the city of —, county of the town of —, or borough of —, as the case may be.] County of (¹) To the Clerk of the Poor Law Union of in the 5
said county of (¹)

You are hereby required, on or before the first day of August in this present year, to prepare a complete and true list in writing, according to the form sent herewith, for each (*barony, (²) division of a barony, or other district*) 10
of the said county (¹) within the said union, of the names of all men who are qualified under the Juries (Ireland) Acts, to serve as jurors for the said county of (¹)

that is to say, a complete and true list for each (*barony, (²) division of a barony, or other district*) of the said 15
county, (³) containing the name of every man who resides within the said county, (³) (*or who has or uses for the purposes of any trade or business, any counting-house, office, shop, store, or place of business within the said county of the city (⁴) of, although such man may not reside 20*
therein, provided that he reside within twelve statute miles therefrom,) and has in his own name or in trust for him a clear income of 10*l.* by the year in lands and tenements of freehold tenure, situate in such (*barony, (²) division of a barony, or other district*) of the said county, (³) or in 25
rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple, or fee tail, or for any life or lives whatsoever: or has a clear income of twenty pounds by the year in lands or tenements situate in such (*barony, (²) division of a barony, or other district*) of the said county, (³) held by 30
lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or is either in his own name or as a member of a firm or co-partnership rated 35
in the last rate made in the said union, for the relief of the poor in respect of any lands, tenements, or hereditaments situate within such (*barony, (²) division of a barony, or other district*) in the said county (³) of the net annual value

(²) "Ward," in counties of cities, counties of towns, or boroughs.

(³) County of a city, county of a town, or borough, as the case may be.]

(⁴) County of the town, or borough, as the case may be.

(⁵) "Ward," in counties of cities, or counties of towns, or boroughs.

A.D. 1876.

- of * pounds or upwards, or is the son of a peer or of a baronet, or of a justice of the peace, or an officer in the army or navy and not on actual service; and you are required to prepare the said list in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surnames in the alphabetical order of their Christian names, and consecutively numbered, and write the Christian name and surname of every man at full length, with his true or last known place of abode (*stating(a) the counting-house, office, shop, or place of business of any person who is deemed under section two of the Jurors Qualification Act (Ireland) 1876, to be resident in respect thereof as the place of abode of such person*), the nature of his qualification, his title, quality, calling, or business, the place and amount of his freehold or leasehold property (*in case he be qualified in respect of such property*), and the place and annual value of his rated property, (*in case he be qualified in respect of rated property*) in the proper columns of the forms sent herewith, and if you have not a sufficient number of forms you must apply to me for more; and in preparing the said list you are, in case any person returned in the said list shall be under the age of 21 years or over the age of 65 years, or otherwise disqualified or exempted from serving on juries, to state the fact of such person being under the age of 21 years or over the age of 65 years, or the grounds of such disqualification or exemption, opposite his name in the proper columns of the said form, and a specification of persons so disqualified and so exempted is set forth in the schedule annexed hereto; and you are required, on or before the first day of August in the present year, to deliver the said list, with the declarations at the foot or end of the said list in the said form set forth, signed respectively by you and the poor rate collector or collectors by whose assistance you may have prepared the said list, to the clerk of the peace of the said county, ⁽³⁾ and you are hereby required, within twenty-one days after the delivery of the said list to the said clerk of the peace, to cause a sufficient number of copies of the said list to be printed, published, and posted within the barony, ⁽²⁾ division of a barony, or other district, for which the said list shall have been prepared, and you are further required to attend the chairman or revising barrister of the said county, ⁽³⁾ and produce the rate books of the said union at any of the courts to be held for the revision of the said list, of the
- 5
- 10 (a) In the case of a county of a city, county of a town, or borough.
- 15
- 20
- 25
- 30
- 35 ⁽³⁾ [County of a city, county of a town, or borough, as the case may be.]
- 40 ⁽²⁾ "Ward," in counties of cities, counties of towns, or boroughs.
- 45

* Insert here the amount of the net annual value fixed for the said county, county of a city, county of a town, or borough as the proper qualification of jurors in the First Schedule to this Act.

A.D. 1876.

time and place of holding which you shall be previously informed, and there to answer on oath such questions as shall be put to you by such chairman or revising barrister then present touching the said list, and those several matters you are in nowise to omit upon the peril that may ensue. 5

(1) [County of the city of,
or county of the town of
or borough of, as the case
may be.]

Given under my hand at _____, in the said
county of (1) _____, this _____ day of _____,
in the year _____

Clerk of the Peace for the
said county of (1) _____ . 10

SCHEDULE.

SPECIFICATION OF PERSONS DISQUALIFIED AND EXEMPTED FROM SERVING ON JURIES.

Persons Disqualified.

Aliens, or men who have been attainted or convicted of any treason, felony, or 15
perjury, or of any crime that is infamous, unless having obtained a free pardon,
or who are under outlawry by virtue of any criminal process.

Persons Exempted.

Peers.

Members of Parliament. 20

Clergymen in Holy Orders and other persons who shall teach or preach in
any religious congregation, and who do not follow any secular occupation
except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to any court of
justice in Ireland. 25

Persons of the following professions actually practising:—

Barristers-at-law.

Attorneys and solicitors.

Licensed medical practitioners.

Apothecaries duly certified. 30

Civil engineers.

Public notaries and actuaries entitled to grant statutable certificates.

Professors, schoolmasters, or teachers, in any college, academy, or
or school.

Persons holding any public office under Her Majesty's Government, or any 35
public department, or under any local authority, and paid from taxes, general
or local.

Persons licensed to sell intoxicating liquors by retail to be consumed on the
premises.

Masters of vessels and duly licensed pilots. 40

Persons who cannot read and write the English language, or who from
lunacy, imbecility of mind, deafness, blindness, or other permanent infirmity
are unfit to serve as jurors. -

And persons heretofore exempted by virtue of any prescription, charter,
grant, writ, or local Act of Parliament. 45

GENERAL LIST OF JURORS.

A.D. 1876.

(¹) [County of the city of —, or county of the town of —, or borough of —, as the case may be.] County of (¹) and Poor Law Union of
"GENERAL LIST OF JURORS" for the(²) in the
said county, prepared this day of 18 ,
by the clerk of the said union.

5

10

If under 21 or over 65 years of age state the fact, or, if disqualified or exempted, the grounds of such disqualification or exemption.	Consecutive Numbers.	Sur-names in alphabetical Order.	Chris-tian Names.	Place of Abode.	Barony, Half-barony, or Ward in which Place of Abode is situate.	Nature of Qualifi-cation.	Title, Quality, Calling, or Business.	Amount of freehold or leasehold Property.	Annual Value of rated Property.	Place of Property.

15 We, the undersigned collectors of poor rate, hereby declare that, so far as relates to each of our respective districts of collection, we have made due and diligent inquiry for the purpose of assisting the clerk of the union in having the above list properly prepared, and we further declare that wherever any person named in said list is under 21 or over 65 years of age, or disqualified
20 or exempted from serving as a juror, the fact of his being under or over age, or the grounds of such disqualification or exemption are truly stated in the proper column of said list, and that the true or last known place of abode, nature of the qualification, title, quality, calling, or business, place, and amount or annual value of property of each of the persons named in the above list are
25 fully and truly stated therein, and that there is not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of in the year .
Collector of Poor Rate.

I, the undersigned clerk of union, do hereby declare that I have made due
30 inquiry, with the assistance of the poor rate collectors, for the purpose of preparing the above "General List of Jurors," and that same has been fully and truly prepared by me from the rate-books of the union, and that the several particulars stated in the above list regarding each person named therein are correctly stated to the best of my knowledge and information, and that there
35 is not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of in the year .
Clerk of the Union.

A.D. 1876.

PRECEPT FOR THE RETURN OF LISTS OF JURORS.

County of the City of Dublin.

To the Collector General of Rates for the City of Dublin.

You are hereby required on or before the first day of August in this present year to prepare a complete and true list in writing, according to the form sent herewith, for each ward in the said county of the city of Dublin, of the names of all men who are qualified to serve as jurors for the said county of the city of Dublin, that is to say, a complete and true list for each ward in the said county of the city of Dublin, containing the name of every man between the ages of twenty-one and sixty-five years who resides within the said county of the city of Dublin, and who has in his own name or in trust for him a clear income of ten pounds by the year in lands and tenements of freehold tenure situate in the said county of the city, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple or fee tail, or for any life or lives whatsoever; or has a clear income of twenty pounds by the year in lands or tenements situate in the said county of the city of Dublin, held by lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or who has or occupies any counting-house, office, shop, or place of business within the said county of the city of Dublin, although such man may not reside therein, provided that he resides within twelve statute miles therefrom, who is either in his own name or as a member of a firm or co-partnership rated in the last rate made for the relief of the poor in the said county of the city of Dublin in respect of any lands, tenements, or hereditaments situate in such ward of the county of the city of Dublin of the net annual value of twenty pounds or upwards; or is the son of a peer or of a baronet, or of a justice of the peace, or an officer in the army or navy and not on actual service; and you are required to prepare the said list in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surname in the alphabetical order of their Christian names, and consecutively numbered, and write the Christian name and surname of every man at full length, with his true or last known place of abode (*stating the counting-house, office, shop, or place of business of any person who is deemed under section two of the Jurors Qualification (Ireland) Act, 1876, to be resident in respect thereof as the place of abode of such person*) the nature of his qualification, his title, quality, calling, or business, the place and amount of his freehold or leasehold property (*in case he be qualified in respect of such property*), and the place and annual value of his rated property (*in case he be qualified in respect of rated property*) in the proper columns of the forms sent herewith, and if you have not a sufficient number of forms you must apply to me for more; and in ascertaining the said net annual value you shall not reckon or take into account the annual value of any house or tenement let to weekly or monthly tenants or in separate apartments, the owner whereof is under the statute 12 and 13 Victoria chapter 91, section 63, rated instead of the occupier thereof; and in preparing the said list you are, in case any person

A.D. 1876.

returned on said list shall be under the age of twenty-one years or over the age of sixty-five years, or disqualified or exempted from serving on juries, to state the fact of such person being under or over age, or the grounds of such disqualification or exemption, opposite his name in the proper column of the
5 said form, and a specification of persons disqualified and exempted is set forth in the schedule annexed hereto; and you are required on or before the first day of August in the present year to deliver the said list, with the declarations at the foot or end thereof, signed respectively by you and the collector or collectors by whose assistance you may have prepared the said
10 list, to the clerk of the peace of the said county of the city of Dublin; and you are hereby required, within twenty-one days after the delivery of the said list to the said clerk of the peace, to cause a sufficient number of copies of the said list to be printed, published, and posted within the ward for which the said list shall have been prepared; and you are further required to attend the
15 revising barristers of the city of Dublin, and produce the said rate books at any of the courts to be held for the revision of the said several lists prepared by you, of the time and place of holding which you shall be previously informed, and there to answer on oath such questions as shall be put to you by the revising barrister then present touching any of the said lists; and those
20 several matters you are in nowise to omit upon the peril that may ensue.

Given under my hand at in the said county of the city of
Dublin, this day of in the year

Clerk of the Peace for the said county of
the city of Dublin.

25 SCHEDULE.

SPECIFICATION OF PERSONS DISQUALIFIED AND EXEMPTED FROM
SERVING ON JURIES.

Persons Disqualified.

30 Aliens, or men who have been attainted or convicted of any treason, felony, or perjury, or of any crime that is infamous, unless having obtained a free pardon, or who are under outlawry by virtue of any criminal process.

Persons Exempted.

Peers.

Members of Parliament.

35. Clergymen in Holy Orders and other persons who shall teach or preach in any religious congregation, and who do not follow any secular occupation except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to any court of justice in Ireland.

40 Persons of the following professions actually practising:—

Barristers-at-law.

A.D. 1876.

Attorneys and solicitors.

Licensed medical practitioners:

Apothecaries duly certified.

Civil engineers.

Public notaries and actuaries entitled to grant statutable certificates. 5

Professors, schoolmasters, or teachers, in any college, academy, or school.

Persons holding any public office under Her Majesty's Government, or any public department, or under any local authority, and paid from taxes, general or local. 10

Persons licensed to sell intoxicating liquors by retail to be consumed on the premises.

Masters of vessels and duly licensed pilots.

Persons who cannot read and write the English language, or who from lunacy, imbecility of mind, deafness, blindness, or other permanent infirmity 15 are unfit to serve as jurors.

And persons heretofore exempted by virtue of any prescription, charter, grant, writ, or local Act of Parliament.

GENERAL LIST OF JURORS.

COUNTY OF THE CITY OF DUBLIN.

20

"GENERAL LIST OF JURORS" for the ward in the said
county of the city of Dublin, prepared this day of
18 by the Collector-General of Rates for the city
of Dublin.

25

If under 21 Years or over 65 Years of Age, state the Fact, or if exempted or disqualified, the Grounds of such Exemption or Disqualification.	Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Places of Abode.	Ward in which Place of Abode is situate.	Nature of Qualification.	Title, Quality, Calling, or Business.	Amount of Freehold or Leasehold Property.	Annual Value of Rated Property.	Place of Property.	30

We, the undersigned collectors, hereby declare that, so far as relates to each of our respective districts of collection, we have made due and diligent inquiry for the purpose of assisting the Collector-General of Rates for the city of Dublin in having the above list properly prepared, and we further declare that wherever any person named in said list is under 21 or over 65 years of age, 35 or disqualified or exempted from serving as a juror, the fact of his being under or over age, or the grounds of such disqualification or exemption are truly stated in the proper column of said list, and that the true or last known place of abode, nature of the qualification, title, quality, calling, or business, place and amount or annual value of property of each of the persons named in the above 40

list are fully and truly stated, and that there is not omitted from the above A.D. 1876.
list the name of any person whose name ought to be contained therein.

Dated this day of in the year

_____ } Collectors.

5 I, the undersigned Collector-General of Rates, do hereby declare that I have made due inquiry, with the assistance of my collectors, for the purpose of preparing the above "General List of Jurors," and that the same has been fully and truly prepared by me from the rate books, and that the several particulars stated in the above list regarding each person named therein are correctly stated to the best of my knowledge and information, and that there is
10 not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of in the year .
Collector-General of Rates.

FORM O.

15

County of _____ and Poor Law Union of _____

"List of Special Jurors" for the ⁽¹⁾ day of 18, in the ⁽¹⁾ [Barony, division of a barony, or in a county of a city, or county of a town, "Ward,"]

20	Con- secutive Num- bers.	Surnames, in alphabetical Order.	Christian Names.	Places of Abode.	Barony, Half-barony, or Ward in which Place of Abode is situate.	Nature of Qualifica- tion,	Title, Quality, Calling, or Business.	Place and Annual Value of rated Property.	
								Place.	Value.
25									

I, the undersigned Clerk of the Peace of the county of _____, do hereby declare that the above "List of Special Jurors" has been fully and correctly prepared by me from the "General List of Jurors" for the said barony or (2) _____, in pursuance of the provisions of "The Jurors Qualification Act (Ireland), 1876."

Dated this _____ day of _____, in the year _____

Clerk of the Peace.

(2) [Division of a barony, or in a county of a city or county of a town "Ward."]

Jurors Qualification (Ireland).

A

B I L L

To amend the Laws relating to the
Qualification of Jurors in Ireland.

(Prepared and brought in by
Sir Michael Hicks-Beach, and Mr. Solicitor
General for Ireland.)

*Ordered, by The House of Commons, to be Printed,
7 April 1876.*

[Bill 127.]

Under 3 oz.

A
B I L L

TO

Provide for the Remuneration of Jurors on Coroners Inquests A.D. 1876.
and in Criminal Cases.

WHEREAS jurors summoned to attend in Her Majesty's Courts exercising criminal jurisdiction for the trial of criminal offences and criminal informations, and on inquests held by coroners, are not entitled to claim any remuneration for such
5 attendances :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. Every person summoned to attend and perform the duties of a juror in Her Majesty's Courts exercising criminal jurisdiction for the trial of criminal offences and indictments, and for the trial of criminal informations, shall be entitled to a remuneration of *one pound one shilling* for every day of such attendance.
- 15 2. Every person summoned to attend and perform the duties of a juror upon any inquest held by a coroner, shall be entitled to a remuneration of *one pound one shilling* for every day of such attendance.

Jurors attending criminal courts to be remunerated.

Jurors attending coroners inquests to be remunerated.

Jurors Remuneration.

A

BILL

To provide for the Remuneration of
Jurors on Coroners Inquests and in
Criminal Cases.

(Prepared and brought in by
Mr. H. B. Sheridan, Mr. Whitwell, Mr. Mac-
donald, Mr. Joseph Coven, and Mr. Burt.)

Ordered, by The House of Commons, to be Printed,
12 July 1876.

[Bill 246.]

Under 1 oz.

A

B I L L

FURTHER

To amend the Acts relating to Kingstown Harbour.

A.D. 1876.

WHEREAS an Act was passed in the fifty-sixth year of the reign of His late Majesty King George the Third, chapter sixty-two, intituled "An Act for erecting a Harbour for Ships to the eastward of Dunleary, within the Port of Dublin," and
5 provision was thereby made for the execution of the said Act by certain Commissioners appointed or to be appointed in manner thereby prescribed, and the said Act was amended by an Act of the first year of the reign of His late Majesty King George the Fourth, chapter sixty-nine, and by section ten of the said Act it is enacted,
10 that it shall and may be lawful for the Commissioners acting in execution of the said firstly recited Act, or any three of them, with the consent and approbation of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, to sell or demise any part of any land or ground vested in the said Commis-
15 sioners, and which shall not be required for the purposes therein mentioned, to any person or persons willing to purchase the same, or to take the same on lease for the purpose of erecting thereon any house or houses for the residence of the harbour-master, or for any officers of customs or excise stationed at the said harbour, or for
20 such other purpose relative to the said harbour as such Lord Lieutenant or other Chief Governor or Governors shall from time to time authorise, direct, or appoint, and for such purpose the said Commissioners are authorised to execute conveyances, assignments, contracts, or demises of such parts of such land or ground as shall
25 be so sold or let :

And whereas a further Act was passed in the session of the sixth and seventh years of His late Majesty King William the Fourth, chapter one hundred and seventeen, by which it was amongst other things enacted, that the said old harbour of Dunleary, together with
30 the new harbour, then in course of erection, should thenceforth be constituted one harbour under the name and title of Kingstown

[Bill 136.]

A.D. 1876. Harbour, and that the said Commissioners should be called Commissioners of Kingstown Harbour:

And whereas it is expedient to extend the said powers of the Commissioners of Kingstown Harbour (in this Act referred to as "the Commissioners"), and for such purpose to make provisions 5 such as are in this Act contained:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 10

Short title.

1. This Act may be cited for all purposes as "The Kingstown Harbour Act, 1876."

Commissioners may sell or demise land for general purposes.

2. The Commissioners may, from time to time, with the consent of the Commissioners of Her Majesty's Treasury, sell or demise any part or parts of any land or ground vested in the Commissioners, 15 and which shall not be required for the purposes of Kingstown Harbour, to any person or persons or corporate body willing to purchase the same, or to take the same on lease for any purpose whatsoever, and for that purpose the Commissioners are hereby authorised to execute conveyances, assignments, contracts, or 20 demises of such part or parts as shall be so sold or let, and the purchase money on such sale or sales, or the rent or rents reserved on such demises respectively, shall be applied by the Commissioners as may from time to time be directed by the Commissioners of Her Majesty's Treasury. 25

Kingstown Harbour.

A

BILL

Further to amend the Acts relating to
Kingstown Harbour.

(Prepared and brought in by
Mr. William Henry Smith and Mr. Chancellor
of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
26 April 1876.

[Bill 186.]

Under 1 oz.

A

B I L L

TO

Amend the Landlord and Tenant (Ireland) Act, 1870. A.D. 1876.

WHEREAS by the Landlord and Tenant (Ireland) Act, 1870, the usages prevalent in the province of Ulster known as and in that Act intended to be included under the denomination of the Ulster Tenant Right Custom, were declared to be legal, and it was
5 enacted that in the case of any holding in the said province proved to be subject thereto the same should be enforced in manner therein mentioned :

And whereas difficulties have arisen in carrying the said provisions into effect, and it is expedient to amend the said Act :

10 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Every holding situate in the province of Ulster shall, until the
15 contrary is proved, be presumed to be subject to the right or privilege on the part of the tenant thereof, if proceeded against by ejectment for non-payment of rent, or otherwise disturbed by the landlord, or if at any time desiring to quit his holding, of selling such holding—subject to the payment of the rent at which the
20 same is held, or such fair rent as may be payable in respect thereof from time to time—to an incoming tenant to whom the landlord shall not make reasonable objection ; or on resumption of the holding by the landlord, of receiving from him the value of such holding as if the same were so sold to such incoming tenant as
25 aforesaid : Provided always, that out of any moneys payable to the tenant by reason of any such sale or resumption, there shall be paid to the landlord all sums due to him from the tenant or his predecessors in title, for rent or otherwise, in respect of the same holding.

Presumption
in favour of
right of sale
of holdings
in Ulster.

[Bill 40.]

- A.D. 1876. 2. Such presumption shall not be deemed to be rebutted by proof
 Presumption that the tenant holds or has held under a lease or other written
 not to be contract of tenancy, unless such lease or contract has expressly
 rebutted by excluded such right or privilege. 5
 proof of
 lease merely.
- Presumption 3. Such presumption shall not be deemed to be rebutted by proof 5
 not to be merely that the holding, or any part thereof, has been surrendered
 rebutted by to the landlord for the time being by the present or any previous
 proof of tenant; or that neither the present tenant, nor any of his prede-
 surrender cessors in title, had, on coming into the holding, paid any money or
 merely. given any other valuable consideration to the outgoing tenant for 10
 such holding.
- Presumption 4. Such presumption shall not be deemed to be rebutted by proof
 not to be that restrictions upon the amount to be obtained by or paid to the
 rebutted by tenant for his holding have been imposed by the landlord or his
 proof of predecessors in title. 15
 arbitrary
 restriction of
 prices.
- "Sale may 5. A tenant entitled to sell his holding may sell the same,
 be by public either by public auction or by private contract, to any person to
 auction or whom the landlord shall not make reasonable objection as afore-
 private con- said; provided always, that if on the occasion of any such sale the
 tract." landlord himself desires to resume possession of the holding, he 20
 shall be entitled to do so, on paying to the tenant such sum as the
 holding would realise if sold as aforesaid to an unobjectionable tenant.
- Interpreta- 6. The word "holding" in this Act shall mean any holding
 tion of words. situate in the province of Ulster, and agricultural or pastoral in its
 "Holding." character, or partly agricultural and partly pastoral. 25
- "Landlord." The word "landlord" and the word "tenant" respectively shall
 "Tenant." have the meaning assigned thereto respectively as in the Landlord
 and Tenant (Ireland) Act, 1870.
- Short title 7. This Act may be referred to as the Land Act (Ireland)
 of Act. Amendment Act, 1876. 30
- Act to extend 8. This Act shall apply to Ireland only.

**Landlord and Tenant
(Ireland) Act
Amendment.**

A

B I L L

To amend the Landlord and Tenant
(Ireland) Act, 1870.

(Prepared and brought in by
Mr. Crawford, Mr. Richard Smyth,
Mr. Thomas Dickson, and Mr. Macartney.)

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 40.]

Under 1 oz.

Land Tenure (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation of terms.
3. Incorporation of Acts.
4. Act divided into three parts.

PART I.

PROVISIONS FOR BETTER SECURING THE ULSTER CUSTOM OF TENANT RIGHT.

5. Provisions as to Ulster customs extended to all classes of holdings.
6. Right of sale not to be restricted by new rules.
7. Leases not to interfere with the Ulster custom as anciently observed.
8. Proceeding in case landlord refuses to accept purchaser as tenant. Court may dismiss claim.
9. Claims to be determined by the usage.
10. Custom to be enforced as it prevailed forty years before passing of Act unless later origin be shown.
11. Special remedy not to interfere with others.
12. Proof of custom generally in the district proof that custom applies to holding.

PART II.

PROVISIONS FOR THE AMENDMENT OF THE LAND ACT.

13. Continuous occupation shall be deemed to be continuity of title.
14. Surrender of right to compensation not to be implied.
15. 33 & 34 Vict. c. 70. s. 12. repealed.
16. Under-tenants entitled to compensation for disturbance.
17. Tenants evicted by title paramount entitled to compensation in respect of improvements.
18. Tenant not debarred from compensation for violating rules of estate.

[Bill 10.]

Clause.

19. Chairman may call in referees.
20. Chairman or judge may empanel jury.
21. Landlord and tenant may agree for fee farm grant of holding.
22. Yearly tenancy determinable only on last gale day of year.
23. Stamp on notice to quit to be distinctive one.
24. Assignee of estate of limited owner to have power of limited owner.
25. Schedule of improvements to be filed with clerk of the peace.

PART III.

PROVISIONS ENABLING THE OCCUPIERS OF LAND TO OBTAIN CERTAIN AND SECURE TENURES.

26. Occupying tenant may claim the benefit of this Act.
27. Tenant to serve notice.
28. Clerk of petty sessions to supply notice.
29. Notice to be served one month before land sessions.
30. To be served for division in which lands situate.
31. Notice to stay ejectment.
32. Tenancy not to be determined by notice to quit.
33. Tenant to hold as tenant from year to year.
34. Implied covenants on part of tenant.
35. Reservations to be implied.
36. Ejectment for persistent and malicious waste.
37. Acts not to be deemed violation of covenant against subdivision.
38. Labourers cottages may be erected.
39. Farms of sixty acres may be subdivided.
40. Remedy against subdivision.
41. Declaration of tenancy conclusive.
42. Partial bequest void.
43. Mode of fixing rent.
44. In case landlord does not appear.
45. Arbitrators to be appointed.
46. Tenant may serve notice of claim for improvements.
47. Oath of arbitrator.
48. Proceedings on arbitration.

Clause.

49. Chairman may set aside award.
50. Jury may be empannelled.
51. Formation of panel.
52. Juror may be named as arbitrator.
53. Parties may refer dispute to court of arbitration.
54. Or to the land tribunal.
55. Order to be made on objection.
56. Chairman may adjourn hearing.
57. And direct notices to be served.
58. Map of lands may be annexed.
59. Power to give costs.
60. Proceedings not to be held invalid for formal defects.
61. Persons holding under leases not entitled to apply.
62. Provision as to future leases.
63. Arrears of rent to be paid.
64. Lord Lieutenant to appoint inspectors of prices.
65. Inspectors to ascertain average prices.
66. Gazette conclusive.
67. Landlord or tenant may apply for periodical adjustment of rent.
68. Value of improvements not to be included in new rent.
69. New declaration to be given.
70. Oath of arbitrator.
71. Orders may be appealed from.
72. Judges to make rules.

SCHEDULE.

A

B I L L

TO

Amend the Laws relating to the Tenure of Land in Ireland. A.D. 1876.

WHEREAS lands let for agricultural purposes in Ireland have been for many years past very generally held by the occupiers on a tenancy from year to year, or other uncertain periods, and it has been found by experience that in the circumstances of
 5 Ireland such tenure is not sufficient either to insure to the industrious occupier the benefits of his industry, or to encourage occupiers to apply their industry to the proper cultivation and due improvement of their farms, to the great discouragement of industry, the hindrance of agriculture, and detriment to the peace and prosperity
 10 of the country; and whereas it is expedient that provision should be effectually made to enable the occupiers of such lands to hold same upon tenures sufficiently secure to induce them to make improvements, which will make the land more productive for the general good, and better secure the rents payable, and thereby
 15 promote the well-being of the community at large:

And whereas in the province of Ulster a custom has prevailed from ancient times under which in all holdings subject to such custom secured to the tenant a right of occupancy and a right of selling his interest subject to such conditions as were conferred
 20 by the usage under such custom:

And whereas the rights of occupancy and sale of his interest secured to the tenant by the Ulster custom have proved by experience to be most beneficial in promoting the prosperity and contentment of the people of that province; and whereas in order to
 25 secure and legalise such custom, and to make the tenure of occupiers of the land less uncertain and precarious, an Act was passed in the thirty-fourth year of the reign of Her Majesty the now
 Queen, entitled "An Act to amend the Law relating to the occupation and ownership of Land in Ireland," whereby it was
 30 amongst other things enacted that the usages prevalent in the province of Ulster which were known as and in that Act intended to be included under the denomination of the Ulster tenant right custom, were thereby declared to be legal, and should in the case of

33 & 34 Vict.
c. 46.

[Bill 10.]

A

A.D. 1876. any holding in the province of Ulster proved to be subject thereto, be enforced in manner provided by the said Act; and by the said Act compensation was also provided in certain cases for tenants in any part of Ireland evicted from or quitting their holdings when not subject to such custom, and also for securing to the tenants 5 compensation in respect of improvements effected by them:

And whereas it is necessary, in order effectually to carry out the intention and object of the said Act, to make further provisions for securing and enforcing the usages and customs declared legal by said Act, and also in relation to the compensation for tenants 10 quitting their farms, and it is also expedient to remove and settle difficulties and doubts which have arisen in the administration of the said Act, and for these and other purposes to amend the laws relating to the tenure of land in Ireland; and it is also expedient that all occupiers of land in Ireland should be enabled to hold their 15 lands by a certain and secure tenure:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say, 20

Short title. 1. This Act may be cited on all occasions and for all purposes as the Land Tenure Act (Ireland), 1876.

Interpreta- 2. Whenever the expression "the Land Act" is herein-after used
tion of terms. it shall mean the herein-before recited Act of the thirty-fourth year of the reign of Her Majesty the now Queen. 25

The expression "land tribunal" in this Act shall, until Parliament shall make other provision, mean the chairman or other person presiding at land sessions under the provisions of the Land Act.

All acts herein required or authorised to be done by the Lord Lieutenant may be done by the Lord Deputy, the Lords Justices, 30 or other person or persons executing the office of general governor of Ireland.

Incorpo- 3. This Act and the Land Act and the Acts amending same
ration of shall be read together as one Act, together with the rules heretofore
Acts. made by the Judges of the Court for Land Cases Reserved, and by 35 the Privy Council, in pursuance of the powers conferred on them by the Land Act.

Act divided 4. For all purposes of construing this Act it shall be deemed
into three and taken to be divided into three parts, as follows:

The first part containing provisions for better securing the Ulster 40 custom of tenant right.

The second part containing provisions for the amendment of the Land Act. A.D. 1876.

The third part containing provisions enabling the occupiers of land in Ireland to obtain certain and secure tenures.

PART I.

PROVISIONS FOR BETTER SECURING THE ULSTER CUSTOM OF TENANT RIGHT.

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10
15
5. All the provisions of the Land Act which relate to the Ulster tenant right custom, and the usages known as and intended to be included under that denomination, shall apply to every holding in the province of Ulster which is proved to be subject to said custom or usages, although such holding may not be agricultural or pastoral in its character, or although same may be excepted from the holdings entitled to compensation under the said Act.

Provisions as to Ulster customs extended to all classes of holdings.

20
25
6. When it is proved that any holding is subject to the Ulster tenant right custom, and that, under and by virtue of the custom, the tenant is entitled to sell his interest in his holding to an incoming tenant, no restriction upon the price to be obtained or paid for said interest, or upon the mode or manner of sale, or upon such sale in any respect, shall be admitted in control or derogation of such right of sale, unless it shall be shown that such restriction has been in force either in relation to the particular holding, or to the estate of which it forms a part, according to the custom as anciently observed.

Right of sale not to be restricted by new rules.

30
35
7. It is hereby declared that no clause, matter, or thing contained in any lease, agreement, or any instrument of letting, with or without an actual demise, shall be deemed sufficient to prevent the Ulster custom taking effect in the case of any holding otherwise proved to be subject to same, unless and so far as it be proved that, according to such custom or usage, as same has been anciently observed, such clause, matter, or thing would have had that effect; and at the expiration of any lease, letting, or demise, the tenant shall have and enjoy all the benefits to which he is entitled under the Ulster custom as anciently observed.

Leases not to interfere with the Ulster custom as anciently observed.

8. When the tenant of any holding subject to the Ulster custom of tenant right shall be desirous of selling or assigning his interest to any person, and the landlord shall refuse to accept the proposed assignee, or shall, within *one month* after application

Proceeding in case landlord refuses to accept pur-

A.D. 1876.

chaser as
tenant.

made in writing to him or his agent, neglect so to do, it shall be lawful for the tenant thereupon to serve a notice of claim, in manner prescribed by the Land Act, claiming that said assignee shall be declared tenant of such holding in accordance with and under the Ulster custom of tenant right. Such notice shall be 5 served one month before the land sessions for which it is given. The claim shall be heard upon proof that such notice has been given without any further notice ; and if upon the hearing of such claim it shall appear to the court that according to the custom to which such holding is proved to be subject, the landlord was 10 not justified, as such custom was anciently observed, in refusing to accept the assignee as tenant, then and in that case the court shall make an order to that effect, and thereupon the assignment to such assignee by the occupying tenant of his interest in the farm shall vest in such assignee all his right and interest under the 15 tenant right custom as fully and effectually as if the landlord had accepted him as tenant ; provided always, that the court shall and may annex to the said order all such conditions as to the application of the purchase money, or otherwise, as shall appear to be in accordance with the Ulster custom, as anciently observed, in relation 20 to such holding, and such order may be made with or without costs, as to the court may seem just ; and if the claimant shall fail, on the hearing of his claim, to establish his right to have such assignee accepted as tenant, the court shall dismiss such claim, with or without costs, and every order or dismissal shall be subject to the 25 same appeal in all respects as is provided in the Landlord and Tenant (Ireland) Act, 1870 : Provided always, that the landlord shall not be compelled to accept any such assignee as tenant unless upon payment of all arrears of rent that may be due to him, together with any costs, to which the outgoing tenant may be liable, of any 30 legal proceedings taken for the recovery of such rent, or of the lands by ejectment for nonpayment of rent.

Court may
dismiss
claim.Claims to be
determined
by the usage.

9. It is hereby declared that all claims made and all questions arising in relation to the Ulster custom of tenant right, either under the Land Act or this Act, shall be determined by a reference to 35 such custom as same shall be proved to be applicable to the holding in respect to which such claim is made ; and every court disposing of such claims or question shall give to all parties interested in such claim or question all the rights to which they are entitled under the Ulster custom, as declared legal by the Land Act and by this Act. 40

Custom to be
enforced as
it prevailed

10. Whenever in this Act any reference is made to the Ulster custom, as anciently observed, it shall mean the custom as it pre-

A.D. 1876.

forty years
before pass-
ing of Act
unless later
origin be
shown.

vailed at a period of *forty years* before the passing of this Act :
Provided always, that unless where it is otherwise herein expressly
provided, the custom as prevailing at the time of the passing of the
Land Act shall be deemed to be that anciently observed, unless the
5 contrary be shown : And provided also, that if it be made appear
that any holding first became subject to the Ulster custom within
such period of *forty years*, the custom to which it so became subject,
with any incidents then attached thereto, shall be deemed to be the
custom applicable to same under the Land Act and this Act.

10 11. It is hereby declared that the provisions contained in the
Land Act or in this Act for special enforcement of claims under the
Ulster custom of tenant right shall not interfere with any remedy
or redress which would, independent of such provisions, exist at law
or equity for any person aggrieved by any violation or non-observ-
15 vance of said custom, as same is declared legal by the Land Act
and by this Act ; and such custom, as to all matters to which it is
proved to be applicable, shall be recognised as legally binding in
all courts, and in all actions and suits, and for all intents and
purposes whatsoever.

Special
remedy not
to interfere
with others.

20 12. Whenever it shall be proved that the Ulster custom of tenant
right generally prevailed in any district at the time of the passing
of the Land Act, or at any time within *twenty years* previously, this
shall be sufficient to prove that any holding within such district is
subject to such custom, unless the contrary be shown.

Proof of
custom gene-
rally in the
district proof
that custom
applies to
holding.

PART II.

25

PROVISIONS FOR THE AMENDMENT OF THE LAND ACT.

13. Whenever any tenant of a holding shall claim compensation
under the fourth section of the Land Act in respect of improvements
executed on same by himself or his predecessor in title, in tracing
30 his title to such improvements the provisions of the Land Act shall
be construed in accordance with the following rules :

Continuous
occupation
shall be
deemed to be
continuity of
title.

Whenever in tracing such title it shall be shown that any tenant
surrendered, impliedly or in fact, any interest in all or any part
of the lands of which such holding consists, in order that a new
lease or letting of such land might be made to himself or any
35 other person, and such lease or letting has been so made, the
tenant so surrendering shall be deemed to be the predecessor
in title of the tenant to whom such lease or letting shall have
been made :

[10.]

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The claim of the tenant for compensation in respect of any improvements shall not be defeated merely by showing that after the execution of such improvements he himself, or any of his predecessors in title, shall have entered into a new agreement for the letting of the lands upon which such improvements were executed, or shall have accepted a new lease of such lands, either in whole or in part, or with other and additional lands, or otherwise altered the tenure of same, but every such tenant shall be entitled to compensation in respect of all improvements on the holding which he is quitting, although the tenure may have been changed, and although such holding may be only a portion of the lands held by himself or his predecessors in title, or may include other or different lands, provided he can show that the land on which the improvements were executed has been in point of fact in the continuous occupation of himself, or of persons through whom he derives title from the person executing such improvements; and he shall be entitled to such compensation in the same manner and to the same extent, but not further or otherwise, as if there had been no change or alteration in the tenure of such lands, and he had, at the time of quitting his holding, held the same under the same title as the person who executed said improvements; and for the purpose of this enactment the continuous occupation of the lands shall not be deemed to be broken so long as the possession continues undisturbed, notwithstanding any implied or actual surrender in law or in fact of any existing interest, or the creation of any new tenure or tenancy in the lands, or that possession was impliedly or actually given up and immediately re-taken by the previous possessor or some person deriving through him; but nothing herein contained shall prevent the landlord from availing himself of any clause or provision in any instrument of letting, by which the right to compensation in respect to improvements previously executed shall have been expressly surrendered or barred, or from showing that such new tenure was a benefit received from the landlord in consideration of such improvements within the meaning of the fourth section of the Land Act.

Surrender
of right to
compensa-
tion not to
be implied.

14. If any tenant in the occupation of any land shall, at any time since the passing of the Land Act, have entered into or shall hereafter enter into any new contract for the letting of his lands, no surrender of his right to compensation in respect of past improvements shall be implied from any such letting or contract, or any agreement, covenant, clause, matter, or condition contained therein

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or attached thereto, and such tenant shall not be deemed to have given up his right thereafter to claim such compensation unless by clear words expressly surrendering the same; and in any contract or instrument of letting less than a lease for *thirty-one years*, such
 5 surrender, even if made under seal, shall not be deemed to be valid or binding unless it shall appear to be made for valuable consideration other than the mere new letting of such lands: Provided always, that any substantial and bonâ fide reduction of rent fairly compensating for the value of such improvements shall be deemed
 10 to be a valuable consideration within the meaning hereof.

15. *From and after the passing of this Act*, the twelfth section of the Land Act shall be and the same is hereby repealed.

33 & 34 Vict.
c. 70. s. 12.
repealed.

16. Whenever any tenancy shall have been created before the passing of the Land Act by any person himself holding as tenant,
 15 but having the power to subdemise, the tenants in occupation of such lands, on being evicted by any superior landlord, shall be entitled to compensation under the third section of the Land Act.

Under-
tenants entit-
led to com-
pensation
for disturb-
ance.

17. It is hereby declared that in all cases of eviction by title paramount, the persons occupying the lands from which they are
 20 so evicted shall be entitled to recover compensation for improvements in the manner provided for tenants entitled to compensation under the fourth section of the Land Act.

Tenants
evicted by
title para-
mount entit-
led to com-
pensation in
respect of im-
prove-
ments.

18. No tenant shall be disentitled to obtain compensation under the third section of the Land Act, on the ground that he is evicted
 25 by the landlord on account of the persistent exercise of any right from which he is debarred by express or implied agreement with his landlord; and so much of the fourteenth section of the Land Act as so enacts shall be and the same is hereby repealed; but
 30 nothing herein contained shall prevent the chairman in awarding compensation, from taking such conduct of the tenant, and the nature of all the circumstances of such agreement into account, in the manner provided by the eighteenth section of the Land Act.

Tenant not
debarred
from com-
pensation for
violating
rules of
estate.

19. The chairman in determining the fair letting value of the lands, or any other question arising under this Act or the Land Act,
 35 may, if he shall so think fit, call to his assistance two referees, to be appointed subject to his approval, one by the landlord and one by the tenant; and in case either party shall refuse to appoint such referee, the chairman shall appoint a person to act as referee on behalf of the person so refusing; but the opinion of such referees,
 40 or either of them, shall not be binding on the chairman, unless so far as he shall think fit to adopt the same.

Chairman
may call in
referees.

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Chairman or
judge may
empanel
jury.

20. Upon the hearing of any claim under the Land Act or this Act, it shall be lawful for the chairman, if he shall so think fit, to refer any disputed fact or amount of compensation to a jury, in the same manner and with the same effect as to their verdict as he may do upon the trial of ordinary civil bill cases, and the like power may be exercised by the judge upon the hearing of any appeal. .5

Landlord
and tenant
may agree
for fee farm
grant of
holding.

21. When any landlord and tenant agree under the thirty-second section of the Land Act for the sale of the holding to the tenant, they may, if they think fit, agree that such sale shall be carried out by the grant of a perpetuity to the tenant, subject to a fee farm rent, and for all the purposes of the Land Act the grant of a perpetuity, subject to such a rent, shall be deemed and taken to be a sale of the holding to the tenant, within the meaning of the provisions of that Act, and an agreement for such grant shall be deemed and taken to be an agreement for a sale. 10 15

Yearly
tenancy
determinable
only on last
gale day of
year.

22. Whereas by the fifty-eighth section of the Land Act it is enacted that a notice to quit shall not, in the case of a tenant from year to year, take effect until after the expiration of a period of not less than six calendar months from the date of the service of the notice, such period of six calendar months, in the absence of agreement to the contrary, to terminate on the last day of the current year, and doubts have arisen as to the meaning of such enactment, it is hereby declared and enacted, that in all cases of yearly tenancy of an holding within the meaning of the said section, unless there be a special agreement as to the time and mode of determining such tenancy, the tenancy shall only be determinable by a notice to quit, expiring on the last gale day of any calendar year; and every notice to quit so served, and requiring the tenant to give up possession on such gale day, shall be sufficient to determine the tenancy, irrespective of the period of the year at which such tenancy commenced, and such tenancy shall be determined on the day named in such notice in the same manner as if the tenancy had originally commenced upon a day of the year corresponding to such day, but no such notice to quit served after the passing of this Act shall have any force or effect unless same be served twelve months before the day on which the tenancy is determined, and from and after the passing of this Act these provisions shall apply to any notice of quitting given by the tenant. 20 25 30 35

Stamp on
notice to
quit to be
distinctive
one.

23. The stamp impressed upon any notice to quit shall be impressed with a distinctive die, having the words "notice to quit" imprinted thereon. 40

24. The term "limited owner" in the first part of the Land Act shall, for the purpose of leases authorised thereby, extend to and include any assignee of the estate of a limited owner as defined by such Act; provided always that nothing herein contained shall
 5 authorise any mortgagee of a limited estate to make such lease without the assent of the owner of the equity of redemption.

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Assignee of estate of limited owner to have power of limited owner.

25. The schedule mentioned in the sixth section of the Land Act, instead of being filed in the Landed Estates Court shall be filed in the office of the clerk of the peace of the county in which
 10 the lands are situate, and the clerk of the peace shall cause all such schedules to be kept among the records of the county, and shall enter their contents in a book to be kept by him, and to be called the land registry of such county.

Schedule of improvements to be filed with clerk of the peace.

PART III.

15 PROVISIONS ENABLING THE OCCUPIERS OF LAND TO OBTAIN CERTAIN AND SECURE TENURES.

26. Subject to the provisions herein-after contained, any person who shall be at the time of the passing of this Act or at any time thereafter the occupying tenant of any holding, his tenure of which
 20 would entitle him on quitting his holding or being disturbed therein by the act of his landlord to claim compensation under any of the clauses of the Land Act, shall be entitled as herein-after mentioned to claim the benefit of this Act. No contract or agreement of any nature or kind whatsoever heretofore made or hereafter to be made,
 25 shall be valid or effectual to prevent the occupier of any such tenement claiming the benefit of this Act, but every such contract or agreement, so far as interferes with or is inconsistent with the provisions of this Act, shall be null and void.

Occupying tenant may claim the benefit of this Act.

27. The person who shall be the occupier of any such tenement
 30 in Ireland, and who shall desire to obtain the benefit of this Act, shall commence his proceedings by serving a notice in the form A. in the schedule to this Act annexed or to the like purport and effect, and it shall be sufficient to serve such notice upon the person from whom the occupier shall hold such tenement as tenant, or upon
 35 the known agent or receiver of such person, and service of such notice shall and may be made in the same way as is now required in case of a claim for compensation under the Land Act.

Tenant to serve notice.

28. The clerk of any petty sessions in Ireland shall have at all times a sufficient number of printed forms of such notice in accord-
 40 ance with the schedule to this Act, and shall give one or more of such forms to any person applying for same on payment of the sum of sixpence for each copy.

Clerk of petty sessions to supply notice.

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Notice to be
served one
month before
land sessions.

29. It shall be sufficient to serve such notice one clear month before the land sessions mentioned in such notice; and no further or other notice shall be necessary in order to enable the tenant to have his application heard, or to authorise the chairman to determine such application; and if the landlord does not appear at such land sessions the chairman may proceed in his absence. 5

To be served
for division
in which
lands situate.

30. Every such notice shall be served for the land sessions of the division in which the lands are situate, and, save as herein-before provided, shall be subject in all respects to the provisions of the Land Act regulating the hearing of claims for compensation under that Act, and all such provisions shall apply to the hearing of an application under this Act. 10

Notice to
stay eject-
ment.

31. The service of any such notice shall operate and be effectual as a bar to and stay of all proceedings brought by any person whatever to evict the interest in the tenement of the person serving same; and in case of any ejectment, whether brought in the superior courts or in any inferior court, it shall be lawful for any judge of the superior courts, or the judge of such inferior court, upon proof by affidavit of the service of such notice, to order either that such ejectment shall be stayed, or that same shall proceed without prejudice to the rights of the occupier to be established in any proceeding under the notice so served, and after the service of such notice, and until same shall be finally determined, no process or execution shall issue to disturb such occupier in possession of such tenement; and all proceedings in ejectment shall be subject to any right which the occupier may establish to a declaration of tenancy under this Act. 15 20 25

Tenancy not
to be deter-
mined by
notice to quit.

32. Every person who shall be at the time of the service of such notice the occupier of any tenement entitled to claim the benefit of this Act, shall be entitled upon service of the said notice to hold the said tenement under the provisions of this Act at the rent and subject to the conditions herein-after mentioned, and to obtain from the chairman the declaration of tenancy herein-after mentioned, that is to say, upon proof that the person serving the notice is the occupying tenant within the meaning of this Act of the premises mentioned in the notice, the chairman shall give to such person a declaration of tenancy in the form B. contained in the schedule to this Act, and shall therein specify the rent to be paid by him in respect of such premises; and no person to whom a declaration of tenancy shall be so given shall be liable to have his tenancy determined by any notice to quit, nor shall be evicted from his holding unless in the cases herein-after mentioned and under the provisions of this Act. 30 35 40

33. Save and except as it is otherwise provided by this Act, the interest of the tenant under such declaration of tenancy shall be deemed to be a tenancy from year to year, and shall, except as otherwise provided, be subject to all the incidents attachable by law to yearly tenancies in Ireland, including the liability to ejectment for nonpayment of rent.

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Tenant to hold as tenant from year to year.

34. Every tenant holding under this Act shall be deemed to have entered into the following covenants with the lessor and his successors in title, and shall be liable to all the same remedies for enforcing such covenants or obtaining redress for their violation, as if he had entered into such covenants by a deed under seal :

Implied covenants on part of tenant.

First. To pay the rent reserved by such declaration in two even and equal half-yearly payments on every first day of May and first day of November, or such other days as may be specified in such declaration.

Second. Not to let, assign, or dispose of such tenement, or any part thereof, so as to subdivide the same without the consent in writing of the landlord.

Third. That he will not use the said holding or any part thereof for any other purposes than the purposes of an agricultural or pastoral holding without the consent in writing of the landlord ; but nothing in this section contained shall in any manner interfere with any duty or obligation incident by law to a tenancy from year to year.

35. Unless it shall be specially agreed to the contrary, every such declaration of tenancy shall be deemed to contain a reservation to the lessor of all royalties, mines, minerals, and quarries, with liberty to the lessor to enter on the premises for the purposes of digging and searching for mines and minerals, making full compensation to the tenant for any injury done in such digging and searching ; it shall be also deemed to include a reservation to the lessor of a right of entering on the premises by himself, his servants, or licensees for the purposes of fishing, sporting, or in pursuit of game, making in like manner full compensation for any actual injury done to the tenant by such entry.

Reservations to be implied.

36. If at any time judgment in an action for waste shall be recovered against any tenant holding under a declaration of title, or if any injunction shall be obtained against him to restrain him from committing waste, and such tenant after such injunction or such judgment shall wilfully and maliciously persevere in committing the same or any other waste upon the lands, it shall be lawful for the lessor to apply to the land tribunal for liberty to bring an

Ejectment for persistent and malicious waste.

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 —————
 ejectment as if notice to quit had been duly served, and if such liberty shall be granted it shall be lawful for the lessor, on giving proof of the malicious and wilful waste, to recover possession of the lands in said ejectment, in like manner and with the same consequences as if such tenancy had been duly determined by notice to quit.

Acts not to
be deemed
violation of
covenant
against
sub-division.

37. None of the following acts or things shall be deemed to be a violation of the herein-before mentioned covenant against sub-division :

Letting the lands or any portion of them in conacre according to the usual course of husbandry : 10

Letting any meadow upon said lands for the year's crop :

Grazing said lands either by letting the grass for the year or season, or using them by letting the pasturage of cattle, sheep, or other animals :

Letting furnished lodgings : 15

Letting the whole or part of the house upon such lands with any portion of the premises for any temporary purpose :

Letting any house standing upon the lands at the time of the declaration of tenancy, and which had been usually let by the tenant of such lands. 20

Labourers
cottages may
be erected.

38. Notwithstanding the said covenant it shall be lawful for the tenant of any farm containing thirty acres or upwards, to erect upon such farm one labourer's cottage for every quantity of thirty acres contained on his holding, and to let same to any agricultural labourer, together with any quantity of land not exceeding one half acre. 25

Farms of
sixty acres
may be sub-
divided.

39. Where any farm shall exceed sixty acres and shall be valued in the general valuation at an annual sum of not less than sixty pounds, it shall be lawful for the tenant to assign or let any portion of the lands not less than thirty acres in extent, and not less than thirty pounds annual value ; provided always that the portion of the farm remaining in the hands of the tenant after such assignment or letting shall not be less in extent than thirty acres, and of an annual value of not less than thirty pounds. 30

Remedy
against sub-
division.

40. All lettings or assignments made in contravention of this Act, shall, except for authorising the proceedings herein-after mentioned, be absolutely null and void. Every such letting shall be deemed to be a wrongful act for which the landlord may recover damages jointly against the tenant making the letting and the person or persons taking such letting. The landlord may in addition to the ordinary writ of injunction, pray for and obtain a 35
40

special writ of injunction to put him in possession of the lands illegally assigned or let, and he shall have liberty to retain possession of same until the tenant shall have paid him the damages and costs recovered in such action, upon payment of which within six months after possession when the tenant shall be entitled to the restoration of the lands. The possession by any person of a portion of the lands shall be *primâ facie* evidence that such portion was let and assigned.

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41. The declaration of tenancy shall be conclusive as against all persons whatsoever of the right of the tenant to hold the tenement for the term and at the rent therein mentioned, and the interest thereby created shall bind all interests in said lands; but all parties claiming any interest in such lands shall and may assert their title subject to such interest in the same manner as they might have done if no declaration of tenancy had been made, and the interest thereby created shall not be a bar to any ejectment brought to recover such lands by any person claiming the lessor's interest subject to such tenant's interest, nor shall it invalidate or affect, or be invalidated or affected by, any surrender of any lease or interest in said lands, but the rents reserved in such declaration shall be payable to, and the conditions contained therein shall enure to the benefit of the person entitled to the immediate ownership of such lands for the time being subject to such term; but nothing herein contained shall take away the jurisdiction of a court of equity to set aside any such declaration of tenancy where same shall be obtained by fraud, or to declare any person who shall obtain such declaration of title to be a trustee for any person who may be really entitled to the lessee's interest in such lands.

Declaration
of tenancy
conclusive.

- The declaration of tenancy delivered to the tenant by the chairman shall for all purposes be deemed to be and treated as the title deed of the tenant to his interest in the farm. Any tenant may at any time, upon delivering up the said declaration or showing to the satisfaction of the land tribunal after compliance with any directions given by such tribunal that same has been lost, obtain a new declaration in his own name.

If the land tribunal shall refuse to give a declaration of tenancy to the person applying for same it shall make an order stating the grounds of such refusal, and every such order shall be subject to appeal in the manner provided by the Land Act.

42. Any devise or bequest of lands held under any such declaration of tenancy to more than one person or any devise or bequest of a portion of such lands shall be absolutely null and void, but nothing herein contained shall prevent any person from charging

Partial be-
quest void.

A.D. 1876. — such lands by his last will and testament, or by any deed executed in his lifetime, with such charges in favour of one or more person or persons as he may think fit.

Mode of fixing rent.

43. In fixing the rent to be specified in the declaration of tenancy the chairman shall proceed in manner following, that is to say, the rent to be fixed shall be that which a solvent and responsible tenant could afford to pay, fairly and without collusion, for the premises after deducting from such rent the addition to the letting value of the premises by any improvements made by the tenant or his predecessors in title in respect of which the tenant on quitting his farm would be entitled to compensation under the provisions of the Land Act. 5 10

In case landlord does not appear.

44. In any case in which the landlord shall not appear the rent shall be assessed by a jury of six persons, to be empannelled in manner herein-after mentioned, but no declaration of tenancy shall be made unless the chairman shall be satisfied by the evidence that the rent so assessed is a fair and reasonable rent for the farm. 15

Arbitrators to be appointed.

45. If the landlord shall appear and he and the tenant shall not agree upon the rent to be specified in the declaration of tenancy, same shall be left to the decision of three arbitrators, one to be named by the landlord and one by the tenant, and a third by the two so named. The arbitrators, unless both parties otherwise agree, shall be persons practically engaged in farming land within the division of the county in which the lands are situate. If either party refuse or neglect to name an arbitrator the chairman shall name a person to act as arbitrator on behalf of the party so neglecting or refusing. 20 25

Tenant may serve notice of claim for improvements.

46. If the tenant shall claim any deduction from the rent on account of improvements executed by him or his predecessors in title, he shall serve along with his claim under this Act a notice specifying the improvements which he shall claim as executed by himself or his predecessors in title, and the chairman shall, if same be not admitted by the landlord, examine into such claim, and shall determine as to which of such improvements the tenant is entitled to claim a reduction of rent. The arbitrators shall not take into account in allowing a reduction of rent any improvements except those to which the chairman shall declare the tenant to be so entitled, and the chairman shall hand to them, for the purpose of making their award, a schedule of the improvements in respect of which he shall declare the tenant so entitled. In making their award as to the amount of rent to be fixed, the arbitrators shall separately state the rent which they find a solvent and responsible tenant could afford to pay for such premises, and the annual sum 30 35 40

which they find ought to be deducted from that rent on account of the value added to the farm by the tenant's improvements. A.D. 1876.

47. Before entering on the arbitration each arbitrator shall either before the chairman in open court or before any magistrate of the county, at any time after the termination of the land sessions, make and subscribe the following oath or affirmation :

Oath of arbitrator.

I, _____ appointed (arbitrator) in regard to a claim in which _____ is claimant and _____ is respondent, do solemnly and sincerely promise and swear that I will honestly and truly, and to the best of my skill and judgment, assess the rent which I believe in my conscience a solvent and responsible tenant could afford to pay, fairly and without collusion, for the farm which is the subject of such claim, and I shall further honestly and truly, and to the best of my skill and judgment, assess the annual sum which I believe in my conscience ought to be deducted from such rent on account of the addition to the letting value of the farm in consequence of the improvements in respect of which such deduction is allowed.

And every juror empannelled on a jury shall in open court make oath or affirmation to the like effect.

48. The award of the arbitrators may be made on personal inspection of the lands, or with or without such inspection, on such evidence of value as they may think it necessary to receive. Their award may be handed in in open court during the land sessions at which they are appointed or lodged afterwards with the clerk of the peace. It shall be in the form C. in the schedule to this Act, of which form the clerk of the peace shall have in his office printed copies to be supplied to any one demanding the same and paying for each the sum of sixpence and no more. Unless same shall be impeached for fraud, their award shall be final and conclusive.

Proceedings on arbitration.

49. The chairman shall have the same jurisdiction of setting aside an award for fraud or for misconduct of the arbitrators as may be exercised by any court of common law over an award pending in such court.

Chairman may set aside award.

50. If at the next session after the appointment of any arbitrators an award shall not have been made, the chairman may direct them to proceed anew, or, if he shall so think fit, he may desire the appointment in manner herein-before mentioned of new arbitrators, or if at such or any subsequent session he shall believe it necessary to the ends of justice he shall annul the appointment of arbitrators, and desire the rent to be assessed by a jury empannelled as herein-after mentioned.

Jury may be empannelled.

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Formation of
panel.

51. At every land session the sheriff shall summon all persons whose names shall be on the jurors books within the division for which the land sessions are held in respect of lands and premises within the division for which such sessions are held. Any juror who shall not attend shall be fined by the chairman a sum of pounds, 5 and such fine shall be entered in the book of the clerk of the peace, and shall be enforced in the manner in which fines imposed on absent jurors are now enforced by law, unless at the next assizes for the county the juror shall, upon application to one of the judges of assize, obtain an order remitting such fine upon showing to the 10 satisfaction of such judge a sufficient excuse for his absence. Every such juror shall be bound to attend the land sessions and to answer to his name. The names of the special jurors and of the common jurors shall be separately drawn by ballot. Each party shall be at liberty to object to two of each class of jurors, and subject to such 15 objection the first three special and the first three common jurors that answer to their names shall be the jury to assess the rent, and their decision shall be final.

Juror may be
named as
arbitrator.

52. Any juror may be named as an arbitrator by either party. If he shall not then answer his name when called he shall be fined 20 as an absent juror; if he refuse to accept the office of arbitrator, or having accepted same shall refuse or neglect to fulfil the duties of such arbitrator, he shall be deemed guilty of contempt of court, and shall be punished by such fine not exceeding as the chairman may at the same or any future land session think fit 25 to impose.

Parties may
refer dispute
to court of
arbitration ;

53. The parties may, if they shall so think fit, at any time after the tenant's claim shall be served, refer the question of the rent to be fixed to a court of arbitration appointed and proceeding in manner appointed by the Land Act; they may agree upon any mode of 30 fixing the rent, either by verbal agreement or otherwise, and if it shall be proved to the satisfaction of the chairman that such agreement was entered into, and that the rent had been fixed on can be ascertained in pursuance of same, he shall, if it appears to him to be just to both parties so to do, ascertain and fix the rent in 35 accordance with such agreement.

or to the
land tribunal.

54. If both parties shall so desire it, the rent, instead of a reference to arbitrators, may be fixed by a jury empannelled as hereinbefore provided, or if they so desire the chairman shall himself proceed to determine the rent, and shall for that purpose exercise all the 40 powers given him by the Land Act as amended by this Act, and his determination or that of the jury shall be final and conclusive.

55. If the landlord or any other person interested shall appear before the chairman and object that the person claiming as occupier is not entitled to the benefit of this Act, the chairman shall hear evidence on such objection, and shall make such order as to him shall appear to be just, and any order he shall make shall, save as heretofore mentioned, be conclusive as to such right.

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Order to be made on objection.

56. Before deciding upon such rent or upon the amount of rent to be fixed the chairman may examine the applicant and all other persons who may appear before him to ascertain the persons interested in such land, and in any case in which it shall appear to him that the immediate lessor is not the owner in fee of such lands, he shall, if in his discretion he shall so think fit, adjourn the determination of any such question either as to right or value, to give any other parties interested an opportunity of appearing before them.

Chairman may adjourn hearing.

57. In all cases whether under the preceding sections or not the chairman shall have power, upon the hearing of any such notice, and whether any person shall appear to oppose same or not, to adjourn the hearing of the same from day to day or from sessions to sessions, and to direct any notices to be served upon any person and to call for any evidence as in his discretion he shall see fit, and he shall hear all persons interested who shall appear before him whether they have been served with notice or not.

And direct notices to be served.

58. The chairman may at the request of either party, but at the expense of the party so requesting, annex to the declaration a map or plan of the farm which is the subject of it. In any case in which the first gale would occur before a full half year of the new rent shall be due, he shall specify in the declaration the amount payable on such gale day.

Map of lands may be annexed.

59. In any case in which the chairman shall sign a declaration of tenancy or shall refuse to sign same he shall have power to award either to the landlord or tenant, or any other party appearing before him, all such costs as shall seem to him to have been caused by unreasonable conduct of either of such parties, and shall have power to order by whom and to whom such costs shall be paid.

Power to give costs.

60. No proceeding under this Act shall be defeated, delayed, or held invalid for any formal or technical defect, and the signing of the declaration of tenancy by the chairman or judge shall be in all courts and for all purposes conclusive proof that all preliminaries necessary to give the land tribunal jurisdiction were complied with.

Proceedings not to be held invalid for formal defects.

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Persons holding under leases not entitled to apply.

61. No tenant holding under a lease executed before the passing of this Act shall be entitled to apply for a declaration of tenancy to take effect during the continuance of such lease, he may nevertheless at any time within twelve months before the expiration of such lease serve his claim for a declaration of tenancy under this Act, and the chairman may hear such claim and may make a declaration of tenancy to take effect on the expiration of the lease. The persons in occupation of any lands held under such lease shall be at liberty at any time within one month after the expiration or other determination of such lease to give notice of a claim under this Act, and, subject to the provisions of this Act, the person signing such notice shall be deemed an occupying tenant within its meaning.

Provision as to future leases.

62. A lease made after the passing of this Act shall not nor shall any covenant therein contained be a bar to a proceeding by a tenant to obtain a declaration of title under this Act, unless same shall be bonâ fide made for a term of not less than forty-one years at a rent not exceeding the fair letting value of the lands, and shall not contain any covenants other than those usual in leases.

Arrears of rent to be paid.

63. If upon the hearing of any application under this Act it shall appear that the tenant owes any arrears of rent, it shall be lawful for the chairman to award and direct, if he shall so think it just so to do, that the declaration of title shall not issue unless and until such arrears or any portion of them, not in any case exceeding the amount of one year's rent, as ascertained by the declaration of tenancy, together with any costs of proceedings to recover that rent which the chairman shall think it reasonable to allow, shall be paid to the landlord or lodged with the clerk of the peace, and in case such sum shall not be so paid or lodged within six months after the date of such order, the declaration of tenancy shall be null and void, and the landlord may proceed to recover possession of the land as if this Act had not been passed.

Lord Lieutenant to appoint inspectors of prices.

64. And whereas it is right and expedient that rent ascertained under the provisions of this Act should vary with any change in the value of the land which shall not be caused either by the improvements of the tenant, or by any deterioration of the farm caused by his misconduct or neglect, and the average of agricultural produce is an important element in any change in the value of agricultural land :

Be it therefore enacted, that immediately after the passing of this Act, the Lord Lieutenant, by and with the advice and consent of the Privy Council, shall nominate and appoint three persons to be inspectors of prices, and to discharge the duties herein-after mentioned.

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Inspectors to ascertain average prices.

65. The said inspectors shall proceed to fix and ascertain for each county in Ireland the market which may most properly and conveniently be taken as supplying a list of the price of each of the following articles of agricultural produce, that is to say, of beef, of mutton, of wheat, of oats, of barley, and of flax, and when they have so ascertained and fixed such markets they shall publish a list of same in the Dublin Gazette, and they shall also proceed to ascertain and fix, and shall publish in like manner, the average which each of the said commodities has fetched in the market so selected for the seven preceding years, and they shall also in each and every year make and publish in the Gazette, at such time as they may be directed by the Lord Lieutenant, for each of said markets a list of the average prices during the year of each of said commodities and of any other commodities which the Lord Lieutenant shall direct.

66. The production of a Dublin Gazette containing a publication purporting to contain any of the lists so made out by the said inspectors, shall be conclusive evidence that such list has been duly made out.

Gazette conclusive.

67. It shall be lawful for either the landlord or tenant of any holding as to which a declaration of title shall have been made under this Act, at any time after years from such declaration of title, and from time to time after years from any new adjustment of rent as herein-after mentioned, to apply to the land tribunal for a re-adjustment of the rent then payable in respect of such holding. Notice of such application shall be given by the tenant to the landlord in manner herein-before prescribed on the application for the original declaration of tenancy, and by the landlord to the tenant by delivering such notice to him personally, or by leaving same at the dwelling house, on the lands, or in such other manner as the chairman shall by any special order direct; all the rules herein-before provided as to the hearing of the original claim shall be applicable to the hearing of a claim for re-adjustment of rent; and save as is herein-after provided the rent to be payable in future for the holding shall be ascertained in the same manner and subject to the same rules, conditions, and procedure as on a claim for a declaration of tenancy.

Landlords or tenant may apply for periodical adjustment of rent.

68. In estimating the yearly sum to be assessed and allowed for the value added to the farm by the tenant's improvements the arbitrators or jurors or other persons or person ascertaining the rent to be paid in future shall include in their estimate of such sum all improvements which shall appear to them to add to the letting

Value of improvements not to be included in new rent.

A.D. 1876. value of the farm since the last ascertainment of rent; and in estimating such value they shall take into account the amount of the rent previously fixed and any variations in the price of agricultural produce which shall have occurred since it was so fixed.

New declaration to be given.

69. The rent so ascertained shall be the rent thereafter to be 5 paid for the said holding in lieu and stead of the rent aforesaid in the original declaration of tenancy, and the chairman shall grant either landlord or tenant a declaration in the form D. mentioned in the schedule to this Act of the rent so ascertained.

Oath of arbitrator.

70. Every arbitrator or juror taking part in such re-adjustment 10 of rent, instead of the oath herein-before mentioned, shall make and subscribe the following oath:

I, _____, appointed as an arbitrator (or juror) in respect of the claim made for the re-adjustment of rent in respect of the holding (_____) of which _____ is 15 landlord and _____ is tenant, do solemnly and sincerely swear that I will well and truly, and without fear, favour, or affection fulfil my office of _____.

I will well and truly and to the best of my skill and judgment fix and assess the rent which a solvent and responsible tenant could 20 afford, fairly and without collusion, to pay for such holding if same were now in a due and proper state of cultivation; and I will also well and truly and to the best of my skill and judgment ascertain and assess the annual sum which I shall in my conscience believe to be now added to the letting value of the said lands by 25 improvements effected by the said tenant, or those who were tenants before him, since the _____, being the day on which the rent now payable was fixed.

Orders may be appealed from.

71. Except where it is otherwise provided any order made by the land tribunal under this Act shall be subject to appeal in the 30 manner provided by the Land Act.

Judges to make rules.

72. All the powers conferred upon the justices of the Court for Land Cases Reserved by the thirty-first section of the Land Act, and all the provisions of the said section, shall apply to proceedings under the third portion of this Act, and the justices of 35 the said court or any five of them as provided by this Act shall, within three months after the passing of this Act, make such new and additional rules not inconsistent with this Act as may be necessary for carrying its provisions into effect.

A.D. 1876.

SCHEDULE.

FORM A.

NOTICE OF CLAIM.

SIR,

5 I HEREBY give you notice that it is my intention at the next
land sessions to be held at the town of Ballibay, to apply for a
declaration of tenancy under the Land Tenure Act of 1876, in respect
of the lands of Avilreagh , which I now hold as
tenant from year to year to you [*or*, which I now hold as your
10 tenant under a lease for years, which will expire on
] [*or*, which I lately held as your tenant under a lease which
terminated on].

And I further give you notice that in fixing the rent to be paid
in future for such lands, I will claim that the letting value of
15 the land is now increased by the annual sum of fifteen pounds, in
consequence of the improvements effected by myself or my prede-
cessors in title, and which are specified in the schedule hereunto
annexed.

To John Bond, Esq.,
20 The landlord of said
lands.

William Moffat,
Tenant of the said
lands.
December 1st, 1875.

FORM B.

DECLARATION OF TENANCY.

25 Between John Delany, Claimant, and John Adams, Respondent.

In the matter of a claim made by John Delany, of Castlerea,
for a declaration of tenancy under the Land Tenure Act of
1876, as to the lands of Castlerea, in the parish of Cloyne,
barony of Imokilly, and county of Cork.

30 I, the judge presiding at the land sessions held this day for the
division of Midleton, at Midleton, in the same county, do hereby
declare that the said John Delany holds the lands of Castlerea, con-
taining thirty-five acres or thereabouts, and bounded (describe the
boundaries) or [as same are set out upon the plan or map hereunto
35 annexed] as tenant under the provisions of the Land Tenure Act

[10.]

C 3

A.D. 1876. of 1876, subject to the reservations and provisions in that Act contained, and at the annual rent of thirty-five pounds, payable in two equal half-yearly payments, payable on the first day of May and first day of November, the first payment of seventeen pounds ten shillings to be made on the first day of May next. 5

Given under my hand this 12th day of January 1877.

W. Robinson,
Judge.

Noble Johnson,
Clerk of the Peace. 10

FORM C.

AWARD OF ARBITRATORS.

In the matter of a claim of John Morris, Claimant, Charles Boyd, Respondent, the said John Morris claiming a declaration of tenancy in that part of the lands of Segahan, now 15 (or lately) held by him as tenant to the said Charles Boyd.

We, William James and Henry Thompson, two of the arbitrators appointed to inquire into the value of the lands the subject of said claim, do hereby find and declare as to the said lands of Segahan, now held by the said John Morris as tenant to the said Charles Boyd, 20 which lands are the subject of the claim of the said John Morris.

That the rent of thirty pounds a year and no more is the rent which a solvent and responsible tenant could afford, fairly and without collusion, to pay for the said lands.

And we further find and assess that the annual sum added to 25 the letting value of the said lands by the improvements contained in the schedule handed to us amounts to eight pounds five shillings and no more.

Given under our hands this 15th day of May 1877.

(Signed) *William James.* 30
Henry Thompson.

FORM D.

A.D. 1876.

Between Thomas Adams, Claimant, and James Delany,
Respondent.

5 In the matter of a claim made by the said Thomas Adams for a
re-adjustment of the rent of the lands of Castlerea, in the
barony of Imokilly, and county of Cork, which the said
Jas. Delany now holds as tenant to the said Thomas Adams
under a declaration of tenancy duly made at a land sessions
held at Midleton, on the 12th day of January 1877, between
10 John Delany, Claimant, and John Adams, Respondent.

I, the judge presiding at the land sessions held this day at
Midleton, for the division of Midleton, in the county of Cork, do
hereby declare and determine that the rent payable in future for the
said lands shall be the sum of forty pounds in lieu and instead of
15 the sum of thirty-five pounds specified in the said declaration of
tenancy; the first gale of twenty pounds of such new rent to be
payable on the first day of May next.

Given under my hand, this 12th day of January, 1878.

(Signed) *James Harris,*

Judge.

Noble Johnson,

Clerk of the Peace.

Land Tenure (Ireland).

A

B I L L

To amend the Laws relating to the
Tenure of Land in Ireland.

(Prepared and brought in by
Mr. Butt, Mr. Richard Smyth, Mr. Meldon,
and Mr. Ennis.)

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 10.]

Under 4 oz.

